# Bridging the Data Divide:

## *Understanding State Agency and University Research Partnerships within SLDS*

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This report was made possible by the support of the Virginia Longitudinal Data System (VLDS). The VLDS is a pioneering collaboration for Virginia's future, giving the Commonwealth an unprecedented and cost-effective mechanism for extracting, shaping and analyzing educational and workforce development data and more in an environment that ensures the highest levels of privacy. Funded by the 2009 Statewide Longitudinal Data Systems Grant Program of the U.S. Department of Education, VLDS is comprised of several component technologies that support secure, authorized research addressing today's key educational and workforce training questions. VLDS is the result of a shared effort by several Virginia government agencies.

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## I. Introduction and Overview of Report

State agencies have lots of data. University researchers have the capacity to analyze these data in a complex manner. Given a shared context of limited financial and personnel resources, combined with a shared interest in advancing public knowledge on the impact of public policies and programs, state agency-university research partnerships are promising, underutilized venues for both parties. As Cunningham and Wyckoff (2013) contend, "The incentives for policymakers and researchers to collaborate have never been greater. Policymakers are under substantial pressure from the public to improve student outcomes and rigorous research has the potential to provide insights of how to do so efficiently. Researchers are gaining access to data that provide them with exciting opportunities to explore interventions to improve student outcomes." Yet, despite shared interests and the presence of some incentives, state agency-university research partnerships remain fairly uncommon and do not always operate smoothly. Why is that?

This report examines this question through an analysis of state agency-university researcher partnerships that exist in State Longitudinal Data Systems (SLDS). Building state agency-university researcher partnerships is an important value of SLDS. In their July 2012 issue brief, "Forming Research Partnerships with State and Local Education Agencies," the Institute for Education Sciences (IES) specifically identifies the relative expertise of state agencies and researchers, as well as the responsibility of each. To examine state agency-university researcher partnerships within SLDS, our analysis is guided by the following set of questions based on 71 interviews conducted with individuals most directly involved with SLDS efforts in Virginia, Maryland, Texas and Washington.

- What is the basic structure of state agency-university research partnerships within SLDS and what are the tradeoffs of each?
- How does data governance and access impact these partnerships?
- How do organizational norms and values affect partnerships?
- What formative lessons emerge from an examination of these partnerships that may be instructive in on-going state agency-university research partnership efforts?

### A. Findings in Brief

The findings from this analysis suggest that each state's SLDS organization and governance structure includes university partners in differing ways. In general, stronger partnership efforts are driven by legislative action or executive-level leadership. Regardless of structure, the operation of these partnerships is shaped by the agency's previous experience and cultural norms surrounding the value and inclusion of university researchers.

Data governance and access is a primary area that requires navigation for each of the SLDS states we examined. While state agencies are each guided by a common set of federal

statutes, particularly FERPA (See Appendix A), the guidance and interpretation of these statutes by their respective Attorney Generals' offices and representatives varies considerably.

Although state agencies and university researchers have different cultures and value systems, there are also some important shared values and common research goals that align well with those of SLDS. Ultimately, however, successful partnerships are based on both formal policies and procedures, as well as important informal dimensions. This suggests the need for an increased emphasis on the informal factors that typically receive less attention than formal factors such as data sharing agreements and security.

Taken together, the findings from this analysis suggest that an important agenda item for SLDS includes fostering increased state agency-university research partnerships through a combination of formal and informal means. Formal means include investment and support from both the federal and state legislative and executive levels. Informal means include greater attention to collaborative, trust-based relationship building among agency administrators and university researchers within each state. Ultimately, a mutual understanding of and respect for the differing value systems is the cornerstone for bridging the data divide and building useful agency-university partnerships that make a valuable contribution to improve public polices and programs.

**B. Overview of Report**

Following a brief introduction about SLDS systems and the value-added of the *Bridging the Data Divide* study, section II of this report discusses the research methodology. Section III provides a summary profile of each of the four states examined in this study. Section IV examines important components of constructing state SLDS systems as they relate to advancing state agency-university researcher partnerships. These components include for example, the role of the governor's office and the legislature, the role of the Attorney General's office, and challenges for agencies in sharing data with university researchers while maintaining data security. Section V illuminates the importance of informal factors, such as understanding organizational culture, as well as building collaboration and trust, in building effective state agency-university partnerships. Section VI offers formative feedback for building such partnerships within SLDS.

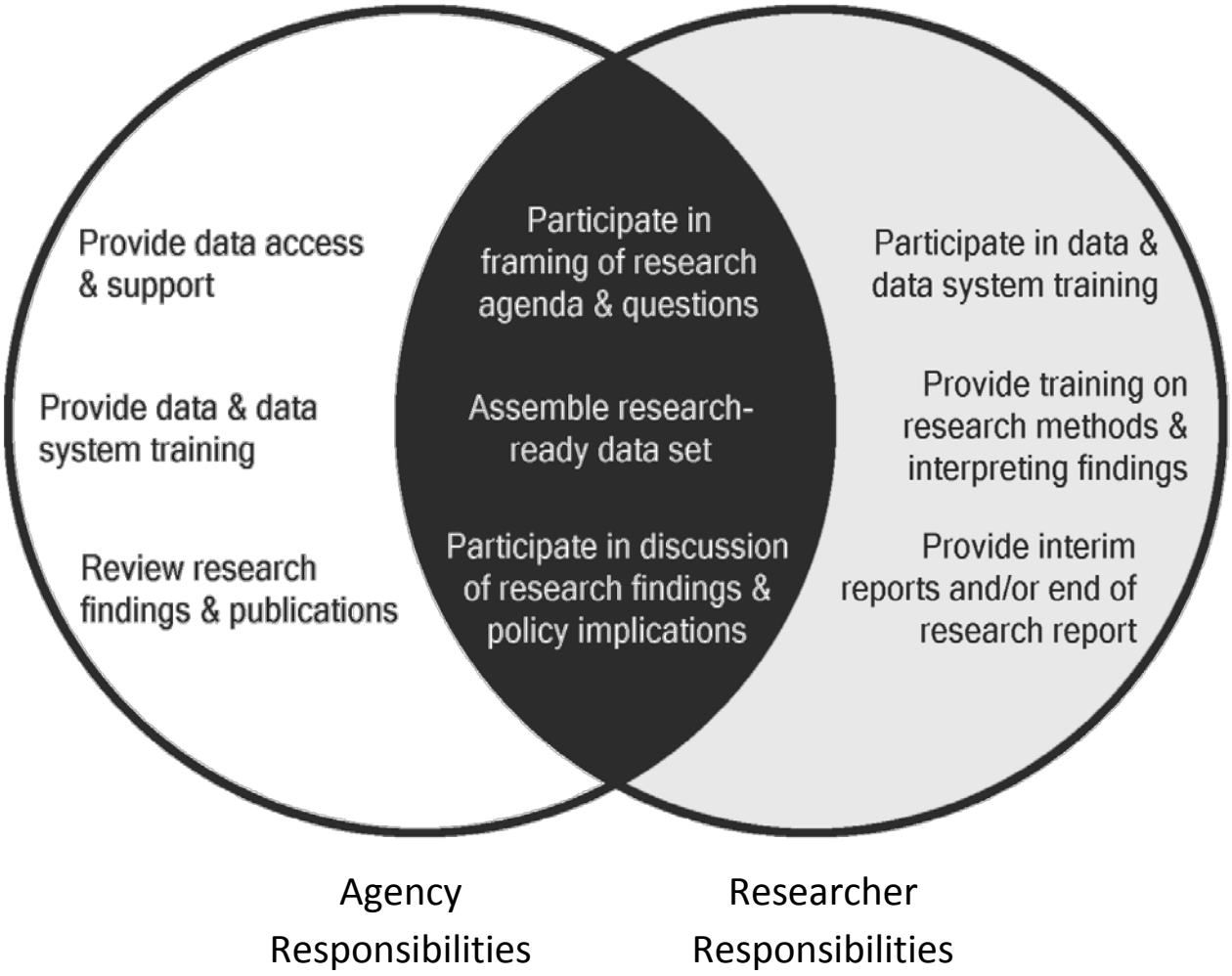
**C. About State Longitudinal Data Systems**

Authorized in 2002 by Title II of the Educational Technical Assistance Act, SLDS grants are currently operating in 47 states. Driven by the principle that "better decisions require better information" the SLDS grant program is ultimately intended to increase student achievement and close achievement gaps. Spanning the early learning through workforce lifespan (P-20W) educational lifespan, SLDS is designed to "enhance the ability of States to efficiently and accurately manage, analyze, and use education data, including individual student

records. The SLDS should help states, districts, schools, educators, and other stakeholders to make data-informed decisions to improve student learning and outcomes."[1]

In one framework identified by IES, agencies bring extensive knowledge of the data collection process; rich understanding of local context and needs; the ability to communicate directly with stakeholders; and the ability to implement and/or verify findings. In comparison, researchers bring an extensive knowledge of field and methodology; extensive experience framing research questions; access to research funding staff, and statistical programs; and the ability to disseminate actionable findings nationally.[2] As Figure 1 details, agency and research partnerships involve an important combination of distinctive, as well as commonly shared roles.

**Figure 1: Agency and University Research Partnerships**




Source: SLDS Data Use Issue Brief 2: Forming Research Partnerships with State and Local Education Agencies, July 2012

[1] Source: http://nces.ed.gov/programs/slds/about_SLDS.asp
[2] Source: http://nces.ed.gov/programs/slds/about_SLDS.asp

In the most basic sense, the traditional research approach of many state agencies is driven by compliance, data reporting, maintaining client confidentiality, and a strong attentiveness to the overall political environment. The traditional approach of many university researchers is driven by a culture of independence and autonomy, with a strong emphasis on academic publication opportunity. In this vein, university researchers are commonly concerned with data quality and accessibility. These values do not always align and subsequent tensions can lead to miscommunication, frustration, and ineffective partnerships.

**D. Value-added of *Bridging the Data Divide* study to SLDS**

1. Enhances understanding of state agency-university research partnership structures

Recognizing there is not a "one size fits all" approach to structuring university-agency partnerships within SLDS, it is important to both understand how these partnerships are formed and operate, as well as the important tradeoffs that accompany each design. Agency-university research partnerships may be structured in a variety of ways. For example, some partnerships operate through formal research consortia in which researchers across specific universities work with state agencies on specific data analysis and report generation. Others operate through memoranda of understanding (MOUs) between specific state agencies and universities to conduct analysis and program evaluation. Some partnerships are natural extensions of previous partnerships that pre-date SLDS. Yet others are a new and direct result of the SLDS work.

2. Illuminates an important tension between privacy and transparency

Regardless of structure, a critical component of any agency-university partnership is data governance and access. There is a fundamental tension between the increased demand for governmental organizations to operate in a transparent, performance-driven manner and the need to protect individual identity. Complicating this tension is the ever-increasing sophistication of cybercrime and hacking methods, which are an unavoidable, constant threat to data security systems. Government agencies are entrusted with the responsibility to maintain individual record confidentiality and to restrict the release of such information as legally stipulated through regulations, such as the Family Educational Rights and Privacy Act (FERPA). Individual students and their families have important legal rights designed to protect the privacy of their educational records. However, the protection of privacy also co-exists in an environment of increased demand for transparency, accountability and monitoring of government (i.e. taxpayer) dollars.

3. Recognizes the importance of organizational culture and informal relationships

Building successful state agency-university researcher partnerships necessitates, at least to some extent, an understanding of each organization's dominant values and culture. Organizations have powerful cultures that steer the work they perform. Culture is a body of solutions to problems which have worked consistently and are transmitted to new members as the correct way to perceive, think about, and feel in relation to those problems.[3] These shared

[3] Schein, 1985

assumptions and norms bind an organization together. Nearly all conceptualizations of culture embody a values component. While some broad organizational values, such as efficiency, effectiveness, and fairness, are commonly shared; others, such as transparency, data-driven decision making, or citizen engagement, vary considerably. Identifying the values of an organization is fundamental to understanding its overall culture. In order for agency-university partnerships to succeed, particularly over the long term, it is important for individuals within each organization to develop and maintain a rich understanding of their partners' values and culture.

4. Provides formative feedback

Given the overall newness of the SLDS grants, it is important to assess their implementation in order to garner lessons designed to improve its overall design, process, and outcomes. Increasingly used in program evaluation work, identifying formative lessons allows stakeholders to better understand what is working, what isn't and why. Formative lessons are particularly valuable when they are offered in "real-time" as it facilitates important midcourse adjustments that may improve overall program implementation. Examining the state agency-university research partnerships in four states, during a relatively early stage of overall grant implementation, enables useful feedback that is neither punitive nor threatening. It is important to note that for several states within SLDS, partnerships between state agencies and universities are evolving. This analysis provides a valuable examination of partnership processes and is intended to yield formative guiding principles for SLDS efforts more generally.

## II. Methods

### A. Data Collection and Analysis

This analysis is based primarily upon semi-structured interviews with individuals who have (or had) a role in implementing or creating State Longitudinal Data Systems in Virginia, Maryland, Texas, Washington. In addition to the state focused interviews, we conducted two interviews at the federal level to obtain the perspective of the Department of Education, a lead funder in the national Longitudinal Data System initiative. The interviews were designed to capture their perspectives on building and maintaining effective state agency-university partnerships, navigating privacy issues, regulations guiding data sharing, agency culture, legislative impacts, and goals for their respective SLDS research partnerships. A total of 71 people were interviewed for this study. Each interview lasted about an hour. The vast majority of the interviews were conducted in person during 2-3 day site visits with each state. A few interviews were conducted by telephone due to participant availability or practical limitations. All data were collected from December 2012 to May 2013.

The interviews were transcribed and analyzed using Dedoose to structure our thematic content analysis. In order to provide additional information on the magnitude of themes, we supplemented the qualitative analysis by descriptive quantitative analysis using SPSS. While the interviews are the primary data source for this analysis, they were supplemented with written documents provided by the agencies during our interviews, as well as information acquired from agency websites and other publically available materials.

Recognizing a key component of SLDS is participation by multiple public agencies, we interviewed the following groups that are most directly involved with SLDS efforts, as identified by each state's primary contact. Although agency names vary by state, these groups include: K-12; Higher Education, Workforce Development, Attorney General's Office, Education Research and Data Centers, University researchers, and University Offices of Sponsored Programs. As Table 1 displays, over a third of our interviews were conducted with individuals in Virginia, followed by Washington, and both Maryland and Texas. Fifty-eight percent of our interviews were conducted with state agencies including 14 percent from workforce development; 13 percent from higher education; and 10 percent from K-12. Thirty-nine percent of our interviews were conducted with university personnel which primarily included university researchers involved with SLDS (31 percent), as well as a smaller group of individuals from each university's Office of Sponsored Programs (8 percent).

**Table 1: Overview of Interviews**

| State Agencies | Maryland | Texas | Virginia | Washington | Federal | N (%) |
|---|---|---|---|---|---|---|
| K-12 | 2 | - | 3 | 2 | | 7 (10%) |
| Higher Ed | 2 | 4 | 1 | 2 | | 9 (13%) |
| Workforce | 1 | 2 | 4 | 3 | | 10 (14%) |
| AG/General Counsel | 1 | 1 | 2 | 1 | | 5 (7%) |
| ERDC* | - | - | - | 4 | | 4 (6%) |
| Other** | 1 | - | 2 | 3 | | 6 (8%) |
| **Total state agency** | 7 | 7 | 12 | 15 | | 41 (58%) |
| University | | | | | | |
| Researcher | 4 | 4 | 10 | 4 | | 22 (31%) |
| OSP | 1 | 1 | 3 | 1 | | 6 (8%) |
| **Total university** | 5 | 5 | 13 | 5 | | 28 (39%) |
| Federal | | | | | | |
| SLDS | | | | | 2 | 2 (3%) |
| **N (%)** | **12 (17%)** | **12 (17%)** | **25 (35%)** | **20 (28%)** | **2 (3%)** | **71 (100%)** |

*Education Research and Data Center (ERDC)
**The "other" category includes individuals who states identified as involved with their SLDS efforts that are not captured by another category (e.g., health and human services or information technology).

**B. Selection of States**

A purposive sampling approach was used to select our sites. In consultation with VLDS and SLDS representatives, our state selection process was based upon four criteria designed to facilitate comparative analysis with Virginia. These criteria included selecting states that have: 1) either a federated or warehouse data system model; 2) substantial previous university-agency partnership experience; 3) a P-20W focus; and 4) made progress with strict privacy laws. States were evaluated along these criteria based upon a review of written materials from three annual SLDS conferences; issue briefs profiling state performance and practices; and state score cards from the Data Quality Campaign website. Based on these criteria, Maryland, Texas and Washington were selected (in addition to Virginia). Of the final four states, two are federated models, where agencies maintain separated databases and only certain elements are contributed to the system; and two are warehouse models, where complete matched sets of agency data are kept in a central location. All of the states selected have SLDS systems with a P-20W focus, all have previous experience with university-agency partnerships, and all have established structures that deal with privacy concerns. We selected states that had significant experience in state agency university research partnerships.

Importantly, as a primary consideration of this report is to provide formative feedback to the Virginia Longitudinal Data System (VLDS), the other states were intentionally selected because their state agency-university researcher partnerships are more established than the relatively new efforts in Virginia. These states portray a rich mixture of the selection criteria and provide an opportunity to learn from other states with a lengthy history of these partnerships.

### C. Limitations of Study

There are several important limitations to this study. Due to budgetary and time considerations, our analysis is limited to four states. As SLDS grants are operating in 47 states, the findings from this analysis are not representative of all states. Our selection of states was guided by the specific set of criteria identified above. Within each state, we interviewed those most directly involved with SLDS efforts; however, this sampling strategy may have missed other individuals with important knowledge of the partnership, particularly former employees. As the focus of our study is on state agency-university partnerships within SLDS, our sampling strategy aligns with this focus. The study does not include an analysis of state-agency university partnerships beyond SLDS, nor does it include agency partnerships with non-university researchers. A broader examination may yield different or additional factors beyond those identified in this report.

## III. State Profiles[4]

### A. Maryland[5]

Maryland has leveraged approximately $20 million to date to create the Maryland Longitudinal Data System (MLDS) and facilitate system improvements within each participating agency to provide the capacity to link system data securely (See Appendix B for details about Maryland LDS). This includes a $5.7 million grant in 2006 to launch the longitudinal data system, a $6 million federal grant in 2009 to continue the work, and $5 million as part of the Race to the Top grant designed to enhance the Maryland Higher Education Commission data collection and storage and to develop a P-20 Workforce data system. The Race to the Top grant also provided needed funding for building technology and data collection infrastructure for agencies to be able to participate in the MLDS. The system incorporates data collected by the Maryland State Department of Education (MSDE), the Maryland Higher Education Commission (MHEC), and more recently, the Maryland Department of Labor, Licensing and Regulation (DLLR).

In 2010, Chapter 190 of the Acts of the General Assembly specified the requirements and timeline for development of the Maryland Longitudinal Data System (MLDS) and the MLDS Data Center. Ultimately, the Center will maintain and enhance the data and system management for the MLDS, provide data and data products to education and policy professionals and conduct research based on the research agenda established by the Governing Board. The MLDS Center, designated a state education agency, is a multi-agency collaboration designed to allow the Center to remain effectively integrated into the critical business of the state's agencies and draw upon the considerable intellectual and research resources of the Universities. These goals are achieved through a shared staffing model. Many of the positions, including the three associate directors in technology, data services, research (university-agency partnership based), will be half-time employees of the state MLDS Center and hold half-time appointments within either a state agency or a university.

#### 1. Governance and System Structure

The Governing Board provides oversight and direction for the MLDS Center, including setting the research agenda, appointing the Center Director and approving budgets. It has 12 members, five appointed by the Governor and seven who serve ex officio. Each of the partner agencies is represented in the governance process through the MLDS Interagency Working Group (IWG), which is a permanent interagency staff group drawing from the partner agencies (MSDE, MHEC and DLLR), the University System of Maryland (USM), the Governor's Office, and other education and workforce stakeholders to ensure the project remains connected to the issues of the state and that there are immediate avenues to solve critical problems as they develop.

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[4] The state profiles have been vetted by each state for accuracy.

[5] State Longitudinal Data System Grantee States. (2013). http://nces.ed.gov/Programs/SLDS/stateinfo.asp; Maryland Longitudinal Data System (2013). *MLDS center.* Retrieved fromhttp://www.mldscenter.org

The MLDS will not contain all of the data from the partner agencies. Rather, the Governing Board will identify data elements that answer a set of 15 guiding research questions, also defined by the Governing Board, and those data elements will be added to the database.

2. Interaction with Universities

In Maryland, universities have been a part of the creation and ongoing management of the MLDS and the Center since its inception. The University System of Maryland (USM) has representation on the Interagency Working Group. Also, a representative from USM will serve as an associate director for Research and Policy within the Center.

• ***In Maryland, universities have been represented in the governance process since the beginning of the SLDS project.*** The Director and staff of the University System of Maryland serve on the Interagency Working Group, as well as the Governing Board. After legislation established the MLDS Center, there was a request for proposals for defining the structure and managing the Center. A number of universities submitted proposals and so did state agencies. The Governing Board decided to reject all of the proposals and asked the two groups to work together to develop a common proposal. The Center will be housed at the University of Maryland, Baltimore (UMB)and a representative from the University System of Maryland will serve as an associate director for Research and Policy within the Center.

**B. Texas**[6]

Texas has secured approximately $26 million in federal grants to support the creation of its longitudinal data system. In 2009, the Texas Education Agency received two grants, one for $8 million to enhance current data collection systems and another for $18 million to support creating a linked P-20 longitudinal data system. However, the process of sharing and linking data pre-dates these federal awards. In 2006 Texas Education Code Section 1.005 created the state's Education Research Centers (ERCs) for the purpose of sharing linked student data and conducting research for the benefit of education.

1. Governance and System Structure

The Joint Advisory Board (JAB) governs the ERCs, making operating and policy decisions, and approves all research projects conducted with the linked data. In June 2013, HB 2103 changed the composition of the JAB to include a representative from the THECB, the TEA, the TWC, and elementary or secondary education and the director of each ERC, with the commissioner of higher education being the chair.

The ERCs are currently located at two state universities: the University of Texas at Austin and University of Texas at Dallas. Each ERC receives linked data from the THECB, which is responsible for matching the data from the contributing partner agencies and maintaining it in

[6] State Longitudinal Data System Grantee States. (2013). http://nces.ed.gov/Programs/SLDS/stateinfo.asp ; University of Texas-Austin ERC website: http://www.utaustinerc.org

the P-20/Workforce Data Repository. The THECB receives identifiable data from each of the partner agencies, matches the data and then creates a new unique identifier for each record to assure privacy.

2. Interaction with Universities

Universities and the THECB have been involved with the data sharing and governance process from the beginning, serving as the home to the ERCs that warehouse the linked data. If other university researchers would like to use the data for research, they interact with the ERCs to gain access. Researchers submit their request to the ERC and the Joint Advisory Board must approve the request. After approval, the researcher must sign confidentiality forms and take a FERPA training to gain access to the data. Researchers may only access the data and perform analyses on workstation computers or "jailed computers" that are physically housed within the ERCs, the THECB or "consortium" institutions. Once the findings are complete, the ERCs review the results for consistency with FERPA and small cell masking policies, and approve them for release.

• ***Texas universities housed the state's Education Research Centers prior to participation in the SLDS program.*** The universities are selected via a competitive bidding process to host and manage access to the linked data system, as well as conduct research studies. The two current ERCs have a ten-year contract from 2013-2023. With regard to ongoing governance, the Commissioner of Higher Education chairs the Joint Advisory Board (JAB), which governs the ERCs and makes policy and budgetary decisions. When outside researchers wish to access the SLDS data they make a request to the ERCs, outlining the project purpose and necessary data. The requests require approval by the JAB, after which researchers may gain access to the data through a secure workstation in one of the ERCs, partner agencies or selected consortiums.

**C. Virginia**[7]

Virginia has secured approximately $23.5 million in funding from the US Department of Education (US DOE) to build the Virginia Longitudinal Data System (VLDS). The first grant, in 2007 totaling $6 million, was used to enhance the K-12 data system. The 2009 grant, for $17.5 million, continued the work and provided funding for creating a P-20 system to link data across agency sectors. Virginia also received a $1 million grant from the Department of Labor to enhance their workforce data system in order integrate it with the VLDS. There are four main agencies contributing data, the Virginia Department of Education (VDOE), the State Council of Higher Education for Virginia (SCHEV), the Virginia Community College System (VCCS) and the Virginia Employment Commission (VEC), and there are plans to bring in additional workforce partners in the future. The Virginia Longitudinal Data System operates as a state agency collaborative partnership approach. It is in the early stages of developing relationships with

[7] State Longitudinal Data System Grantee States. (2013). http://nces.ed.gov/Programs/SLDS/stateinfo.asp; VLDS website: http://www.vlds.org

university researchers (See Appendix C for VLDS Project Overview). During 2013, $276,000 was appropriated from the Virginia General Assembly to support VLDS. Currently staffing is provided through existing partner agency employees. The VLDS also received the 2013 Governor's Technology Award in the Cross-boundary Collaboration in IT Initiatives category.

1. Governance and System Structure

While the VDOE manages the US Department of Education grant, there is a governing body, the VLDS Data Governance Committee, that provides oversight and management of the VLDS system. The Data Governance Committee is comprised of staff representatives from each of the partner agencies. The Virginia Information Technology Agency (VITA) developed the technological infrastructure for the system. The Data Governance Committee made the decisions regarding the system design and structure, governance policies and procedures, and accessability of the system.

Once fully developed, each of the agencies will contribute data elements to the system but the dataset does not leave the agency. The VLDS system matches the data by individual query via a double hashing process so that the resulting data match produced is de-identified.

2. Interaction with Universities

Accessibility of VLDS data to external researchers is in its early stage, with limited data access provided through restricted use data agreements. Once fully implemented, VLDS will allow researchers a one-stop portal for accessing cross-agency data. Especially during this first year of VLDS operation, there is a controlled set of data available to researchers and the research purposes are scrutinized for their alignment with major policy questions identified by the Data Governance Committee. A research proposal is submitted to the director of one of the VLDS agencies for approval. After approval of the project, the researcher identifies needed data elements and a Restricted Data Use Agreement (RUDA) is executed with each agency supplying data. A VLDS support staff member, who is well versed in the data and the system features, provides assistance to the researcher. This strategy facilitates a partnership approach among agency staff and university research teams.The protocol for handling university researcher partners is not different than the protocol for handing any other research entity requesting access to VLDS data.

• ***Researchers from three public universities recently became involved in Virginia's SLDS.*** A university team from Virginia Tech had a defined role in the development of the system, specifically designing the matching process, and was engaged by the partner agency representatives based on previous work with the Virginia Department of Education on projects that involved linking administrative data. After the VLDS system was designed, universities were engaged via a Request for Proposals to define research projects using the VLDS that would answer state level questions regarding education and workforce policies. The University of Virginia and Virginia Commonwealth University were selected to conduct four studies utilizing the data from the VLDS. This study is included as one of the supported projects.

## D. Washington[8]

Washington has secured approximately $23 million in federal grant funding to support its' longitudinal data system. Two grants were awarded in 2009 from the US Department of Education; one for $6 million, to be used to enhance K-12 data systems and collection, and another for $17 million, to be used to create a P-20 longitudinal database. Efforts to link data pre-date the grant awards. In 2007, RCW 43.41.400 established the Education Research and Data Center (ERDC) within the Washington State Office of Financial Management, which is the Governor's budget agency. The ERDC collects and warehouses the longitudinal data from each of the partner agencies. The named partner agencies, which represent K-12 and higher education and employment, are the Department of Early Learning (DEL), Office of Superintendent of Public Instruction (OSPI), State Board of Education, Washington Student Achievement Council (WSAC), Council of Presidents, Independent Colleges of Washington, State Board for Community and Technical Colleges (CTC), Workforce Training and Education Coordinating Board (WTECB), and Employment Security Department (ESD). Also the Department of Social and Health Services has developed a data sharing agreement to contribute data for research projects.

### 1. Governance and System Structure

The governance structure for the ERDC includes four committees: the ERDC Guidance Committee, the Research Coordination Committee (RCC), the Data Steward Committee (DSC) and the Data Custodian Committee (DCC). The Guidance Committee, which is comprised of the agency directors or deputies of the partner agencies, defines the critical policy questions to be answered, commits staff to projects and interacts with the legislature. The RCC is comprised of partner agency representatives that specialize in policy and research and is responsible for recommending critical policy questions to the Guidance Committee. The DSC includes representatives who specialize in agency data collection and is responsible for coordinating the data elements necessary to answer policy questions. Finally, the DCC includes representatives who specialize in information technology and is responsible for the technical delivery of data between agencies and the ERDC.

The ERDC receives identifiable data from the various partner agencies and performs the matching process creating linked de-identified datasets that are maintained in the ERDC data warehouse.

### 2. Interaction with Universities

Universities have been involved with the design and creation of the SLDS system through the Council of Presidents, which represents the public four-year universities. Additionally, when university researchers want access to the SLDS data, they make a formal research request to the ERDC. The request is reviewed by a representative of the agency that

[8] State Longitudinal Data System Grantee States. (2013). http://nces.ed.gov/Programs/SLDS/stateinfo.asp; ERDC website: http://www.erdc.wa.gov

contributed the requested data. The request also goes to the Research Coordination Committee to make sure that the question is relevant to the state's interests. Then the request is reviewed by the Stewards committee to be sure that the necessary data is available. If it is not, then the Custodian committee is engaged to determine a way to secure the data. Agencies also have a five-day review and comment process for the final project report (See Appendix D for the ERDC Data Request Process and Form).

• ***Universities have participated through defined roles in the ongoing governance of the SLDS in Washington.*** The director and staff of the Council of Presidents, which represents the public four-year higher education institutions, serve on the Guidance Committee and each of the subcommittees (Research Coordination, Policy, Data Stewards, and Data Custodians) in the P-20 Governance Structure. When university researchers want access to the SLDS data, they make a formal research request to the ERDC. The request is reviewed by a representative of the agency that contributed the requested data and reviewed by each of the four subcommittees for appropriateness and feasibility.

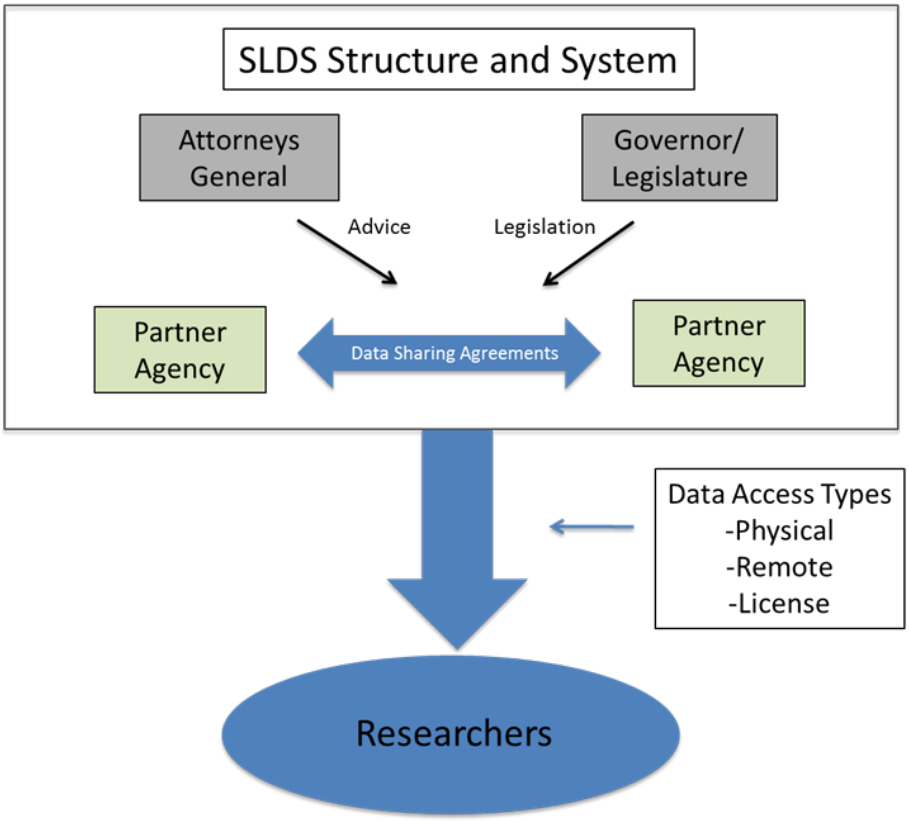
## IV. Constructing State SLDS Systems: Fundamental Components for Research Partnerships

• ***Common elements of influence on state agency-university researcher partnerships include legislative action from the Governor and state general assembly, as well as advice and consultation on privacy laws by state attorneys generals.*** By design, the US Department of Education does not prescribe how states structure their SLDS systems. While each of the state systems profiled in this report have different organization structures and governing bodies, there are several common elements that are central to building the overall system and sustaining state agency-university partnerships. At the macro level, these structures largely establish the "permissibility parameters" of a state's SLDS system. In the middle, are state partner agencies that contribute data to the longitudinal data system and establish guidelines for sharing data to external researchers. These structural choices define how external researchers, typically based at universities and who operate largely outside of the formal SLDS structure, will access the data.

While each state's data system and policies and practices may be different, each has had similar challenges regarding establishing privacy and security, and the same actors have participated in the process. Figure 2 provides a graphical representation of the common actors involved and the structures and practices that get created amidst somewhat conflicting interests. The Attorney General's Office and the legislature and/or Governor's Office played a role in how data sharing agreements were reached and the structures those agreements created. In each state, agencies also had to contend with the question of how to allow outside researchers to access the data system. Choosing a mode of access again presents a tension, between managing agency risk and facilitating researcher access to the data.

It is important to understand the common tension between privacy and transparency that states confront when they engage in data sharing and start building these SLDS systems. These fundamental components include 1) data sharing history prior to SLDS; 2) the role of the governor's office and the legislature; 3) attorney general guidance regarding privacy interpretation; 4) system structure and governance; and 5) approach to data access. The following section explains the initial tension between privacy and transparency and reports our findings relative to these five components.

**Figure 2: SLDS System Development Process**




**A. Transparency v. Privacy: Competing government values within SLDS**

• ***States have important legal responsibilities to privacy. But they are also expected to operate programs in a transparent manner that fosters accountability. How states approach this privacy v. transparency tension largely determines the data access structures that university researchers must navigate.*** State agencies operate in an environment where they are accountable to many stakeholders and transparency of data and information is necessary to answer questions. However, the data that is used represents actual individuals so questions of personal privacy must be addressed. "On the one hand, these agencies are charged with collecting vast amounts of high-quality data about individuals . . . on the other hand, they must disseminate information for diverse purposes, among the most important are formulation and evaluation of policies and supporting research conducted by academics, other government agencies and private citizens."[9]

Within SLDS, for example, states must "meet the moral and legal responsibility to respect the privacy and the confidentiality of students' personally identifiable information" as required under the Family Educational rights and Privacy Act (FERPA).[10] An essential component under FERPA is that data provided to third-parties, such as academic researchers

[9] Kinney and Karr, 2011, 41
[10] Data Quality Campaign, July 2011, 1

and in some cases other agencies, must be provided in a de-identified format, meaning all information that can be used to distinguish an individual's identify (such as name, addresses, social security numbers) must be removed. In many ways, states are incentivized to adopt a very conservative and protective view toward privacy to minimize the risk of legal action, a negative research report, or a public relations nightmare surrounding a data breach. Ultimately, state agencies bear the responsibility for data breaches and it is a serious, legal responsibility.

While privacy is a fundamental public sector value for governments, so is transparency. All privacy laws also "allow for access under some circumstances by external researchers for statistical purposes, provided that the confidentiality of data is not compromised."[11] Researchers who access this data are charged with analyzing data to advance and benefit the public good. "The types of benefits agencies are looking for range from improvements to data quality and methodology to public benefits related to the mission of the agency" such as benefits to public education and workforce development.[12] These "benefit" requirements are open-ended enough to allow a range of research, including sharing research findings irrespective of whether these findings are viewed as complementary by the agency.

Within SLDS, state agencies have the very challenging task of upholding both of these values in a legal and responsible manner. The Data Quality Campaign, a large non-profit organization that supports the work of statewide longitudinal data systems, routinely issues guidance to states to assist them in their work and have recently encouraged states to broaden their focus on transparency. As they note:

> The national conversation about the privacy, security, and confidentiality of education data too often focuses exclusively on FERPA. While federal laws establish some broad parameters and guidance around rights, roles and responsibilities, states' development and implementation of policies and practices to manage data and data systems are where the rubber meets the road.[13]

This consistent privacy v. transparency tension exists for all of the states that participate in the SLDS. Ultimately, states are building their SLDS systems to generate policy specific research that can improve decision making. The generation of this type of research lends itself to building partnerships with university researchers. However, the decisions they make regarding this tension directly impacts researcher ease or difficulty in accessing the needed data to complete this work.

**B. Data Sharing History**

The key ingredient in building a longitudinal data system is linking and sharing data. However, the process that facilitates achieving this goal is a complicated and complex one embedded within a context that includes previous agency experiences with sharing data.

[11] Kinney and Karr, 2011, 42
[12] Kinney and Karr, 2011, 43
[13] Data Quality Campaign, July 2011, 3

Within SLDS, states have differing starting points in terms of data sharing history, as reflected across the four states included in this study.

• ***Maryland, Texas and Washington had a history of sharing data with university researchers prior to the SLDS project.*** Maryland and Texas were founding partners in the Administrative Data Research and Evaluation (ADARE) alliance, a nine state partnership, which began in 1998 with five states having a common capacity to respond to immediate welfare-to-work policy questions posed by the Office of Policy Development, Evaluation and Research in the Employment and Training Administration of the U.S. Department of Labor. Similarly, Washington was also a partner in the ADARE project, joining in 2002.[14] The alliance worked to answer policy specific questions using linked education and workforce data. Within each state a university or research entity worked directly with the necessary state agencies to secure the longitudinal data and conduct the analyses. As a university researcher in Washington explained, "There has been a big culture shift over the last 10 or 20 years in terms of people willing to be open, transparent, and share their data . . . the culture shift and the best practices we have learned over the years have made a big impact."

While the last ADARE project was completed in 2004, these states have continued their efforts to use longitudinal administrative data to answer policy questions. In Texas and Washington, the education research centers were established prior to participation in the SLDS program. This history has resulted in a culture that is accepting of data sharing with university researchers. "There was nothing new there. The privacy agreements were already done with the ERCs, so with SLDS, they were already there" (Texas, agency). In comparison, Virginia's experience with multi-agency data sharing started with the initial SLDS federal grant award in 2007. This work is much newer to the partner agencies who do not have a long-standing history of sharing data with university researchers.

**C. Role of the Governor's Office and the Legislature**

Within SLDS, as with any state-level effort, signals by the governor's office and the legislature transmit important messages regarding the project's overall priorities. Both the Governor's office and the legislature can enact policies or executive orders to support data sharing; they can award or withhold financial supports; and they can exert influential political pressure.

• ***SLDS is considered a high priority by state agency administrators in Virginia, Maryland, and Washington.*** During our interviews, we asked state agencies to share their perception of SLDS as a "high priority," "medium but important priority" or a "lower priority." These findings are reported in Table 2. Although on the whole, SLDS is perceived as a high priority, this perception is strongest in Maryland, Virginia, and Washington. In comparison, state agency respondents in Texas were fairly divided on the relative priority of SLDS.

[14] Stevens, 2004

**Table 2: State Agency Perception of SLDS Priority**

| | High | Medium | Low | Total |
|---|---|---|---|---|
| Maryland | 7 | 0 | 0 | 7 |
| Texas | 0 | 3 | 2 | 5 |
| Virginia | 6 | 1 | 0 | 7 |
| Washington | 10 | 2 | 0 | 12 |
| **Total** | **23 (74%)** | **6 (19%)** | **2 (6%)** | **31** |

In Maryland, Texas and Washington, "importance from the top," whether through legislative or political priority made the project a "we have to make it happen" or "can't say no" proposition. Their legislature and the governor also passed and signed legislation that defined data sharing between agencies and created an organizational entity to house the data system, both steps to create permanent structures to support the project.

• ***In Maryland and Washington, the Governor made the SLDS system part of his legislative priorities***. For example, the ERDC, which houses the SLDS, is part of the Governor's budget agency in Washington. In all three states, legislation has been passed that defines which agencies will contribute to the system and research center and how (See Appendices E-G for legislation). This gubernatorial emphasis meant that agencies had a greater incentive to find a solution and work to participate. As an agency administrator in Washington explained,

> "A person that feels they are in control of the data thinks they have the power to tell us no. We like to share responsibility, but in the end if the governor asks us to do something that the agency does not want us to do, we have to complete the task because the governor is our boss. We had to make that clear in the governance structure."(Washington, agency)

> "And that comes directly from the Governor. He is extremely supportive of this effort and in many ways he has accelerated the process. We've had to do some scrambling at certain instances in order to give him what he wants, but that also puts us at a pivotal point in the process: 'Ok, so where do we go from here?' It puts us on a track forward." (Maryland, agency)

• ***In Maryland, Texas and Washington, the state legislature enacted laws to establish the "organizational home" for each of these state's SLDS system, a research center dedicated to maintaining and overseeing the system and to managing data access and requests.*** In Maryland, the MLDS Center has been designated a separate state agency, which is also an education agency. In Texas there are three research centers, that are housed in state universities. In Washington, the research center was placed in the Office of Financial Management, which is in the Office of the Governor, and is also designated a state education agency.

"Their design was to create a center, call it ERDC, and house it at OFM because that is close to the governor and budget process. And if people do not play then they can face the vengeance in the budget process." (Washington, agency)

"The SB275 is pivotal. It provides a framework for what we can and cannot do, and it codifies it." (Maryland, agency)

For each of the research centers there are different administrative arrangements between the center and the partner agencies for decision making and staffing. In the case of Texas and Washington, the centers are independent of the partner agencies and have their own staff. In Maryland, the center director is independent, but some of the staff is shared with the partner agencies. There are important tradeoffs to this approach. In each case, partner agencies have given up some administrative control over the management of the data and the overall system. On the other hand, being part of a separate entity provides a greater assurance of sustainability. As a Maryland agency administrator explained, "Everything flows from funding. If you do not have the dollars nothing happens. The critical thing is to have a budget independent of any of the partner organizations or limited dependence on organizations."

• ***While the Virginia legislature has not developed a state organizational structure for its longitudinal data system, the VLDS system is an independent identity, separate from the partner agencies***. Since the initial grant, the participating agencies have contributed significant existing resources through staff time and effort towards developing the system but to this point the system is funded by federal grant support. During the 2013 legislative session, a $276,000 line item designated for the VLDS was added to the Virginia Department of Education budget but this legislative action does not prescribe which agencies will participate in the SLDS system or how that interaction will take place. The partner agencies view the VLDS system as a separate entity that is not "owned" by any one agency. This approach contributes to maintaining agency autonomy and a confederation approach to governance. It also forces agencies to work together on issues that relate to more than one agency and build cross-agency relationships. However, an important tradeoff of this approach is that a single agency may be able to slow the process thereby forcing all partners to negotiate a different way to move forward.

**D. Role of the Attorney General's Office**

• ***Attorney General offices, through the work of assistant attorneys general, significantly influence the data sharing arrangements that state agencies establish within SLDS.*** As the chief legal adviser to state officials, Attorneys General serve as the chief legal adviser to state officials. "Attorneys General are continuously narrowing the gap between law and state practice."[15] Although advice from Attorney General offices' may take the form of formal opinions, informal opinions, or oral advice, oral advice is the most important to the daily operations of state government.[16] They perform an important function in assessing and

[15] Morris, 1987, 333.
[16] Morris, 1987; Zimmerman, 1998

minimizing state agency risk. An added complexity that directly impacts the ability of state agencies to share data, is the "sparing" between various attorney generals and their assistants in terms of the interpretations and oral advice they provide to state agencies.[17] Much of this interpretation focuses on data accessibility, meaning the extent and conditions under which agency data may be shared.

• ***Across the states in this study, there were two different approaches to obtaining the advice of legal counsel. The first was having a single-source trusted legal counsel. The second included the involvement of multiple AG counsel across state agencies.*** In Washington and Maryland one legal counsel became the trusted source for FERPA interpretation. Although a single AG did not represent all agencies, all of the partner agencies AGs relied on his or her guidance. In each case the designated legal counsel provided an advice memo, not necessarily a formal opinion, for all of the partner agencies to use to inform what could be done and how (See Appendix H for an example Attorney General memo).

In order for this system to work, the designated legal counsel must gain the trust of the other agencies involved. There are multiple ways to build trust, but the most frequently noted in interviews was knowledge of the subject. Agency administrators noted the designated counsel knowing FERPA better than anyone else. "He is not our own AG, but everyone defers to [name omitted] on FERPA. Even the universities go to [name omitted] for FERPA questions and they have their own AGs "(Washington, agency). Several respondents in Maryland offered a similar perspective: "Our AG, even though she is the K-12 AG, took this on. We could not have been done it without her clarifying language, supporting memos on data exchange, request for funding to modify IT systems, etc. As we look at how we transition this to an independent identify, she was instrumental in setting this up and convened her partner AGs to convene them and brief them on the policy issue" (Maryland, agency).

During our interviews we asked respondents to assess whether the AG guidance relative to their SLDS was provided through a single AG source or multiple AG sources. We also asked them to assess their perception of the consistency of opinions provided by the AGs office (Table 3).

**Table 3: AG Approach within SLDS: Source and Message**

| | | Maryland | Texas | Virginia | Washington | Total |
|---|---|---|---|---|---|---|
| AG Source | Single | 7 | 1 | 1 | 15 | **24** |
| | Multiple | 1 | 10 | 12 | 1 | **24** |
| AG Message | Consistent | 7 | 2 | 3 | 16 | **28** |
| | Inconsistent | 1 | 7 | 11 | 1 | **20** |

[17] Morris, 1987

• ***The findings suggest the single-source model is most prevalent in Washington and Maryland where there is also strong consistency in advice provided by the AG office. In comparison, respondents in Virginia and Texas report multiple AG sources and considerable inconsistency in AG messages.*** The lack of consistency across agencies within the same state led to delays in securing data sharing agreements. An agency administrator in Virginia noted, "There are efforts to be consistent but not a coordinated effort to make that happen. All of the agencies are getting different legal opinions. I don't know of any efforts to have a 'party line' unless something comes up that necessitates coordination." An agency administrator in Texas agreed stating," . . . If you've got 100 institutions, you've got 100 lawyers and they all have different interpretations." As another administrator in Texas surmised, "FERPA can be interpreted differently. Each legal counsel will do it differently, so it is a matter of who you talk to."

The single source of AG advice approach creates important consistency of interpretation and consensus that serves to streamline the process and make data sharing possible.

> "I think the attorneys need to build the relationship and encourage the clients to communication. That has been part of our culture since I've been here, to try to practice preventative law. We can we can get a lot more done, a lot more efficiently, and at lower cost if we look at things on front end."(Washington, agency)

> "I think it is a very good idea to designate a point person to look into these issues and give them the authority to speak for the office. But also to work out dissenting voices between attorneys and work it out within the office so you can speak with one voice to the client agency. If you get more than one attorney analyzing or interpreting any federal law, the client agencies get more confused, people gravitate to the opinion they want to hear, and people becomes more entrenched within the different viewpoints." (Washington, agency)

• ***Researchers and administrators spoke about FERPA being interpreted differently not only agency-to-agency but also state-to-state.*** For state agencies, differences in interpretation state-to-state meant a lack of consensus nationally about how states should be handling FERPA. As a federal SLDS administrator explained, "There are a couple of different models---AGs act as referees so everyone plays by the rules. Others, rather than say no for policy reasons, they use FERPA as the excuse [by saying] 'No, the law doesn't allow it. That creates a lot of uncertainty because states see one state [not doing something] and others that do. It leads to a belief that FERPA is not evenly enforced or understood." This state-to-state inconsistency can cause a ripple effect of doubt if an attorney takes a conservative approach on interpretation. Additionally, while the interpretation of FERPA and other federal legislation is an important factor, agencies and their AGs must also navigate and intepret complex state privacy laws as well.

• ***Regardless of state context, state agency individuals emphasized the essential importance of AGs in these partnership efforts. Finding consistency in AG interpretation was key to getting data sharing done.*** Agencies have built trust with their individual legal counsel and they are seen as protecting the interests of the agency in their advice. "We're advisors. Our primary role is to identify issues and trouble shoot before they become problems. It's sometimes frustrating; other times, they're grateful" (Virginia, agency). Another administrator in Virginia shared this perspective. "The AGs are looking out for the best interests for agency, not the project. The agency itself is operating within the bonds of federal and state law, not the best thing for the project." (Virginia, agency).

> "When you try sharing data with sharing agencies – now try multiple agencies – multiple attorney generals. If I am the controller of the data say, my goal is to protect my client's data. No malicious intent –professionals take their job very seriously when it comes to confidential client-customer data. Even if they are given way to make it happen, they're going to stick to original interpretation, unless there is a high motivation" (Virginia, agency).

In Washington, such high level motivation occurred. As a Washington agency administrator explained, "Well, with ERDC it was taken care of quickly with the ruling by the Assistant Attorney General that we could share the data, because they were considered to be a State Education Agency, and they were a partner, so that was resolved right away."

In both cases the goal is to be sure that the agency is provided with important legal counsel. "The VLDS isn't an agency that can get legal advice. Each of the agencies has to get the legal advice. So that takes time. I think if we had one AG opinion we might miss something that individual agencies need addressed" (Virginia, agency). When there is one point person, who has the trust of the other agencies' legal counsel with regard to formal opinions, the group is working from a place of "how can we get this done." When AGs are representing individual agency interests only, there may be limited incentive to work for a solution when a disagreement of opinion arises.

> "We don't make a decision; we advise our clients about their risk. I've talked to the [agency name] attorney about what I see as risk and she has said hers but we don't have to agree. She's going to tell her client what she's going to tell them. The other agencies have to decide if they want [agency name] to participate and take on their standards or not participate and move on." (Virginia, agency)

> "I think it a very good idea to designate a point person to look into these issues and give them the authority to speak for the office. But also to work out dissenting voices between attorneys and work it out within the office so you can speak with one voice to the client agency. If you get more than one attorney analyzing or interpreting any federal law, the client agencies get more confused, people gravitate to the opinion they want to hear, and people becomes more entrenched within the different viewpoints." (Washington, agency)

Finding consistency in interpretation of the laws governing data sharing was key to making data sharing agreements work. While different AGs may have different approaches to how they represent their agencies, what is important is that everyone works from a place of trying to find a way to make data sharing happen. One Virginia administrator noted, "The AG perspective is important. One would say, what is it you're trying to accomplish and we can figure it out and find a solution. Other AGs may just say no to what you're asking for and that's the end . . . We have to get into repeated conversations that may not go anywhere. Other agencies have been working for years to try to get cooperation." In order for these projects to move forward the individuals in the process must be working toward finding a way to accomplish the end goal of data sharing.

**E. Governance and System Structure**

Governance structures are necessary to inform and guide how the SLDS data sharing process will unfold. Data governance functions as both an organizational process and a structure. As a process, it establishes responsibility and organizes program area staff to collaboratively and continuously improve data quality through the systematic creation and enforcement of policies, roles, responsibilities and procedures. As a structure, it provides clear roles and responsibilities for staff that create accountability for the data.[18] Additionally a sound data governance program will include a governing body or council, a definition and allocation of authority, a defined set of procedures and a plan to execute.[19] Ideally, this structure will provide representation for all of the relevant agencies and the procedures and plan will be defined initially and then refined in an iterative process to ensure data quality and access. Each SLDS system has a governing body that has overseen the initial setup of the system, how it will operate and the important policy priorities research should address.

• ***Direct and active involvement by agency heads may yield a more efficient decision-making process.*** In Maryland, Texas and Washington the individuals most involved with SLDS have been agency heads or directors, and at least some of the committee membership is defined in legislation. In Virginia, the agency administrators working with the data and responsible for research within their agency have been largely representatives of agency directors. This distinction has an important effect on decision-making. In the Virginia case, because the individuals who are participating on the data governance committee are not the ones who officially make final administrative decisions, they are not able to make decisions unilaterally for the agency, which means representatives will have to build consensus within their own agency before acting. While this consensus building process ensures that all agency concerns are heard and addressed, this process may be time intensive, which can impact the the progression of the overall project.

• ***The choice of system structure, federated versus warehouse, will create tradeoffs between data security and autonomy and speed of access. These tradeoffs had implications for future research projects.*** In the beginning phases of the SLDS program, many states focused

[18] Traveling Through Time: Effectively Managing LDS Data, 2011
[19] P-20W Data Governance, 2012.

their efforts on creating a single, centralized data system that contained and maintained the participating agencies' data. The term "data warehouse" is used to characterize these centralized systems. In recent years, an alternative model has been constructed, the federated model, where data from the participating agencies is only temporarily linked to create a report or generate a dataset.[20] The choice of how the actual data systems are structured is important because it defines how the individual agencies contribute and receive data.

In Virginia and Maryland the data system is a "federated model", where only certain elements of the agencies' data are placed in the longitudinal system. Virginia's system is structured so that matching is produced in an on-demand fashion, by each individual query, so no master matched dataset exists. Texas and Washington have created a data warehouse system, where a particular entity, the Higher Education Coordinating Board in Texas and the Education Research and Data Center in Washington, perform the matching process and then disseminate the matched data back to the agencies and into the LDS system.

It is important to note that there are tradeoffs to each approach with regard to how researchers access the data for research. The main benefit of the warehouse model is that the existing matched sets provide ready-to-use data that shortens the request time for researchers, but creating and maintaining the warehoused data can be time consuming and duplicative. The federated system allows agencies to control their data's exposure to risk and reduces the time and effort involved with keeping two sets of data. However, on-demand matching lengthens the request process and inconsistencies in the data may not be found until the request is made. Understanding these possible unintended effects can allow states to proactively address them as they make decisions about their data collection practices and which system structure they will use.

**F. Sharing Data with Researchers**

Once agencies have settled on the agreements for sharing, and link the data to build the system, they have to determine how to structure data access for outside researchers to conduct studies. FERPA regulations also apply to the release of linked data to universities for research purposes. Again, state agencies must tangle with the tension between privacy and transparency in determining how researchers access the data.

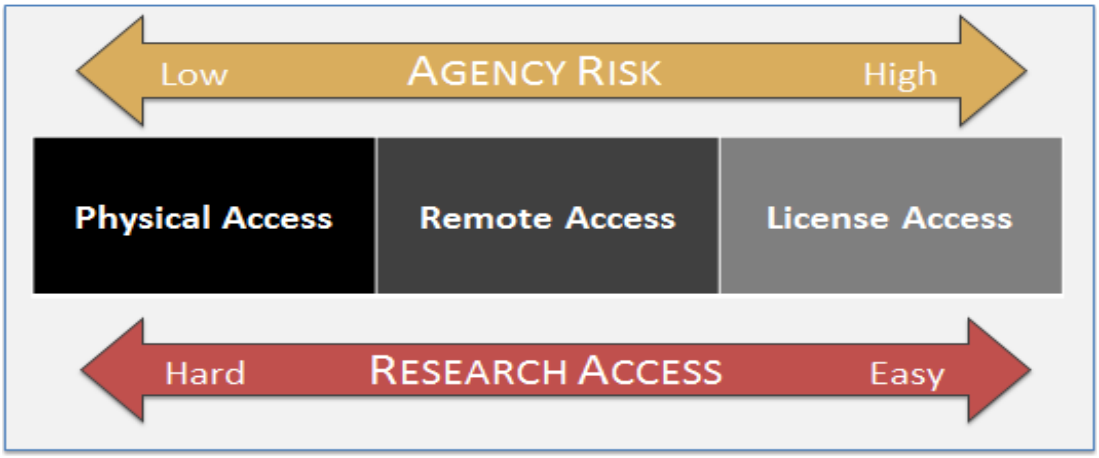
1. Data Access

The most common modes through which state agencies permit researcher access to data are through physical access, remote access, or license access.[21] Physical access, typically through a secure data center, keep data electronically isolated. The metaphor used to describe these arrangements is sometimes referred to as "jailed computers" because external researchers can only access the data by physically going to the agency or data center. Remote access provides researchers with "full access to de-identified data over an encrypted

[20] Centralized vs. Federated, 2012
[21] Kinney and Karr, 2011

connection, but are unable to transfer any data to their local computer."[22] Data access through a license is the least centralized approach as it provides a license to researchers, "who are provided data via secure download or secure electronic media to use."[23] While physical access provides the greatest data security, it is also the least convenient for researchers; particularly those who are not physically located near the "jailed computer."

**Figure 3: Data Access: Agency Risk and Researcher Access**




• ***There is an inverse relationship between agency risk and researcher access.*** How states decide to approach measures of data access and security relate to the tolerance of risk within the political and administrative culture of the state. Figure 3 above depicts the three modes of data access along with how the mode will impact the agency and the researcher. While physical access creates the lowest level of risk for the agencies, it also is the hardest for researchers to access. For example, in Texas SLDS data is only available to researchers on "jailed computers," which are workstations located in the ERCs, partner agencies or certain university consortia in the state.

Any researcher who wishes to study Texas data must be located in the state. The researcher can only access the data from one of the workstation locations. One Virginia researcher explained the impact that this form of data access had on a research project, "We didn't do the workforce piece and we got limited administrative data . . . We were able to find about 70% of our students, but there were a lot of the students in the longitudinal study that we were just not able to track, because we didn't get the degree of detailed administrative data that we had hoped. Nobody was willing to move to Texas for a year to get the data. It wasn't like you have to be a Texas citizen . . . so it was said, 'you move to Texas and sit here for nine months and you can use the data.'" As such, this significantly limits the outside researcher's access and ability to study the data in Texas.

[22] Kinney and Karr, 2011, 44
[23] Kinney and Karr, 2011, 44

Other states utilize a license-based access structure to share data with university researchers. It is typically done through a formal data sharing agreement or memorandum of understanding stipulating the purpose of the agreement, a description of the data elements to be shared, the period of time for which use is permitted, how the data will be properly secured by the researcher and the university. Agreements also typically include strict prohibitions against researchers re-disclosing the data, as well as expectations and responsibilities of all parties should a data breach occur. The license access through data sharing agreements provides the easiest access to the data but writing and negotiating the agreements can be complicated and confusing as well.

> "We need to find a better way to do these complicated data sharing agreements. Those of us who are not attorneys cannot devote time to becoming experts in it and the AGs are usually conservative, so it ends up being a slow process. Having been in this business for 10 years without a breach, I'm not worried about a lot of things. I'm far more concerned about how we enlarge the circle of people who have access to the data." (Washington, agency)

Resources are available to assist in navigating the process of creating data sharing agreements. Appendix I provides guidance on creating data sharing agreements and Appendix J provides an example SLDS data sharing agreement.

2. Researcher Request Process

Utilizing the SLDS data systems to generate research studies is an intended outgrowth of the federal grant program. One way that data will be utilized is through studies and projects proposed by outside researchers. As states have defined their governance structures and organizational home of the SLDSs, they have also defined how researchers will interact with the system and access the data.

• ***In each of the four states, researchers submit a request that outlines the proposed project and needed data and that request undergoes an approval process by a governing body that includes partner agency representatives. The difference lies in the timeliness of the process.*** Virginia's system necessitates coordinating a data sharing agreement with each partner agency contributing data to the project. The research center model provides a centralized process for accessing the data that includes one formal agreement that is standardized. It also provides a centralized support system for moving the researcher request through the process, meaning the researcher will interact with one organization's staff, which has a dedicated responsibility for moving them through the system.

A recurring theme from university researchers was the need to have a clear and standardized process for gaining access to the data, particularly when it comes to data sharing agreements. Researchers noted the amount of time that can be spent negotiating and securing data sharing agreement and the frustration with not having a standard format.

"It seemed to me like it would be a no-brainer that somebody somewhere would have figured out that this is a place you go to for restrictive data use agreements . . . otherwise, each individual project is having to figure out what a RUDA is, how to fill it out, how to complete it, and walk it through the process, much of what we did . . . There was a significant amount of time and energy spent on that, where I think it would have been much more efficient to have someone there to guide us on how to fill out the RUDA form . . . We had to figure out which office to contact to get that information together . . . We need to have some economies of scale here." (Virginia, university)

"We need a master data sharing agreement. All agencies agreed in concept until they had to sign . . . I suggested from the beginning to use one case study example for all of the elements of the project. If we had gone through a mock-up of an entire data request beforehand we would have known what was missing and could have fixed it. We should also have a FAQ or Q&A for the data sharing process that can be used for reference each time instead of having to ask the same questions over and over." (Virginia, agency)

3. Data Security and Universities: Office of Sponsored Programs

As university researchers move through the process of securing data sharing agreements, they must involve the university's Office of Sponsored Programs (OSP) and/or Office of Technology. These offices are responsible for negotiating these legal agreements on behalf of the university and protecting university interests regarding data security. Therefore, OSPs have an important role in the process of securing the data sharing agreements necessary for university researchers to access data for their projects. They are also tangling with the tension between protecting privacy and facilitating access to data.

• ***Universities also have policies regarding data sharing. In order to build effective state agency-university researcher partnerships, university researchers need to bring OSPs into the data sharing process as early as possible.*** Within university systems, from the perspective of OSPs the interests of the university and the agency may conflict. Navigating these university processes can also be unfamiliar to university researchers and result in partnership delays.

"OSP is using a different lens . . . A lot of these people are not on the same page and we need all of their approval to do the work. Whoever is the most secure in terms of rules, runs the day in terms of whether the data goes forward. At some point, the restrictions can make the analysis impossible." (Virginia, university)

"When the agency has agreed to provide data, I'm brought to the table to formalize the process. The agencies usually send the template but we have to revise . . . The templates are written for private institutions, need liability insurance etc., so state agencies don't see that we are the same type of institution so they have to exert any rights . . . They come from the perspective that the template can't be changed but that's not true. We have to refer back to the AG's opinion over and over again because it happens again." (Maryland, university)

> "There is no university uniform policy . . . It depends on what your research questions are. There are federal issues around data storage, even with completely public data that is not identifiable we have to store it like it's identifiable data." (Washington, university)

It is important for state agencies and researchers to understand the policies at the university level that can stop the progress of these partnerships. Creating an opportunity for all parties to come together in the beginning to discuss possible differences in policies and template language would speed the process of getting to a negotiated agreement.

**G. PTAC as a Resource for Building Bridges**

The US Department of Education provides a resource for states that are working through the privacy-transparency tension while building their SLDS systems and sharing and linking data. The Privacy Technical Assistance Center (PTAC) was created in 2010 in response to multiple federal level programs, such as the State Longitudinal Data System program, the American Recovery and Reinvestment Act of 2009 and No Child Left Behind, which require states and localities to utilize educational data for decision-making, reporting and accountability. PTAC provides a central resource for state and local education agencies to achieve a balance between protecting individual privacy and providing transparency and accountability.[24] Table 4 outlines all of the resources and services PTAC provides to assist states in working through data sharing between agencies and with outside researchers.

During the interviews agency representatives explained the benefits of PTAC as a resource for bridging the gaps in interpretation and easing fears regarding the risk of data sharing.

> "The PTAC is helpful. When there are conservative lawyers that do not want to take the risk, conceptualization does not work. You have to provide examples of what the data can do and what improvements it can make, for per student cases. Get ahead of the issues, build group trust, support interaction on a low stress level, really talk about what the issues are, and get ahead of an issue before it becomes a problem. "(Washington, agency)

[24] PTAC website, http://ptac.ed.gov/About

**Table 4: Privacy Technical Assistance Center (PTAC) Training and Services**

| Training or Service | Description | Outcome |
|---|---|---|
| **FERPA 101 Training (webinar/on-site)** | Review and discussion of real-life scenarios on FERPA and its applicability to your institution. Participants have an opportunity for interactive Questions and Answers. | - Improved understanding of FERPA and the context for the law<br>- Reduced misconceptions / misunderstandings about FERPA |
| **Data Sharing under FERPA for State Longitudinal Data Systems (webinar/on-site)** | Overview of the 2012 FERPA regulation changes as they relate to sharing of FERPA-protected data. Review of the data sharing best practices and requirements for complying with FERPA. | - Enhanced clarity about what data can and cannot be shared under FERPA<br>- Improved knowledge of resources available to help ensure compliance with the new FERPA regulations |
| **Data Security Best Practices/Training (on-site/on-line)** | On-site training on current data security best practices for education data systems, including user privacy and security awareness, privacy and security program development / implementation, threat modeling, and attacker methodology. | - Increased awareness of privacy and data security threats<br>- Reduced risk of security incidents<br>- Improved ability to respond to incidents |
| **Data Security Policy Review (on-site/on-line)** | Review of your organization's information security program policy and governance to help ensure that the policy reflects current best practices, is well integrated, and establishes key roles and responsibilities for managing the privacy and security of your data and measuring program effectiveness. | - More cohesive vision for organizational security<br>- Clearer definitions of security roles, responsibilities, and metrics<br>- Improved efficiency and cost-effectiveness of the security program |
| **Data Security: Technical Security/Architecture Review (on-site/on-line)** | Technical assistance to help evaluate existing security architecture to ensure that your security controls are working to their greatest effect. PTAC experts provide on-site and remote assistance to help implement technology securely and deliver the peace of mind of having a third-party review. | - Better understanding and control of organizational risk<br>- Third-party validation of security controls<br>- Improved integrated information security picture, including better understanding of the organization's security posture<br>- Enhanced security of the information systems and data |
| **Data Sharing Agreement Assistance (on-site/on-line)** | Review of and informal feedback on your proposed data sharing agreement. | - Third-party informal review of current or conceptual data sharing agreements with regard to their compliance with FERPA, including best practice suggestions |
| **Disclosure Avoidance Training/Assistance (on-site/on-line)** | Overview of best practices and staff training in the area of disclosure avoidance methodology and public reporting. | - Improved understanding of disclosure avoidance techniques and public reporting best practices applicable to your institution |

Source: PTAC website, What services does PTAC offer? http://ptac.ed.gov/services-ptac-offers

The tension between privacy and transparency is not going away for agency administrators. However, there are ways to ease the tension and provide a consistent message for moving forward. Consistent, sound legal advice, legislation and executive leadership, and federal guidance can help balance the tension for each state. As noted by one interview participant,

> "New issues come up all the time; and there's no silver bullet. In general even when there's uncertainty you follow best practices- documentation, transparency, what are appropriate uses of the data. We are in a place of increased privacy protections regulations. It's a perennial challenge at federal level. We're under pressure to protect data but there are pressures to put out as much as you can (open data regulations-new). The expectation is always that we'll release it with the protections." (federal agency)

While formal structures and agreements are essential components to any state agency-university partnership within SLDS, as the Data Quality Campaign acknowledges, ultimately, "protecting the privacy, security and confidentiality of student data involves technology, project management, data and security components and must take into account cultural, political, and human considerations."[25] Personal relationships, communication, trust, as well as core cultural differences between state agencies and universities are important informal dimensions of partnerships that have largely been unexamined.

[25] Data Quality Campaign, July 2011, 4

## V. Importance of informal factors in state agency-university partnerships

Nearly all organizations have an organizational culture and set of values that guide or significantly influence their work. From a macro perspective, universities and state agencies have important cultural similarities. They commonly have shared policy interests, and a common interest in examining client or program outcomes to promote overall efficiency and effectiveness. Most importantly, there is a shared interest in identifying promising solutions to positively impact society's most recalcitrant problems, such as poverty or unemployment. And, all of the universities involved with the SLDS states included in this report are also state agencies.

However, state agencies and universities also have important cultural differences. State agencies are entrusted with the protecting client privacy guided by strict policies at the federal and state levels. Their work is also embedded in an overarching political context, with real sensitivities and consequences for receiving negative attention from elected officials, senior administrators, the media, and the public at-large. Universities, particularly research universities, are embedded in a culture that values and rewards the production of scholarship, peer-reviewed publications, and an ever-increasing emphasis on sponsored research.

### A. Organization Culture

• ***Across all four states, nearly all of the individuals we interviewed easily and consistently identified cultural differences between state agencies and universities, largely along stereotypical lines.*** As an agency administrator in Virginia explained, "Universities and agencies? They are two different animals. One's a cat and the other is a dog. Neither is ever going to behave like the other. The best possible outcome is if they can both become more educated and aware of the world that the other operates in." Similar comments were expressed by an agency administrator in Washington and Texas respectively:

> "Those are two different worlds and I do not know how to bridge that . . . Universities want more autonomy and deregulation. We don't want autonomy from state government. We are state government." (Washington, agency)

> "We work with the university very well. Their job is pushing the limit and our job is to set the limit. There is a mutual respect, but everyone is coming from their side of it." (Texas, agency)

• ***University researchers are viewed as primarily in search of publication opportunities.*** While scholarship and publications are important concerns for any university researcher, the problem is university researchers are viewed as solely interested in obtaining the data. As a federal SLDS administrator explained the worst case scenario:

> "There has to be some sort of [state] structure on this—we [state agencies] are being exploited . . . All of the incentives for universities—charge money for data sets—don't

follow through to make sure they don't disclose it, never give anything back to the state. States are better understanding the power of their data. The state used to be the unpopular teenager with the car—people use you to get to the party, then everyone blows you off." (federal agency)

As a university researcher in Maryland offered a similar critique:

> "State agencies, have, for a long time, have had academics come with their wheelbarrows and get data and not worry about the implications for the agency. I think state agencies understand academics rather than misunderstand them. Academics have a deserved reputation of misusing the privilege of data access. Academics do not largely know how agencies function and why they may be cautious. There is not much understanding between the two." (Maryland, university)

A university researcher in Virginia explained, "There is different language we all use. I think it really becomes difficult because they [agencies] think one thing and we [universities] think another. It takes time to figure out why we are not understanding each other. As researchers, we have to be ready and willing to notice we are stepping into a different sector, aware of different culture, language or values." (Virginia, university)

• ***State agencies are viewed as unreceptive to negative findings, largely due to the political environment in which they operate.*** The most common perceptions are that some state agencies are resistant to any study that may show negative findings for the agency.

> "They [agencies] do not want to have competing points of view in the public space. It is about controlling the findings, not even about controlling the message." (Texas, university)

> "Sometimes I think we are over cautious [with data], because no one wants their fingerprints on something bad happening." (Texas, agency)

> "Some agencies come to the table with a chip on their shoulder on how the work is going to be approached. University researchers find information that may not put an agency in the best light and will then have to shield the agency from public discourse. I am not trying to malign. Each party has different motivations and incentives that are legitimate . . . in order for either one to get the incentives, they need to build a bridge." (Virginia, agency)

• ***Like most stereotypes, such perceptions of agency administrators and university seem only partially true.*** For example, during several interviews state agency administrators discussed positive experiences with specific researchers who they had worked with previously and did not fit the stereotype. This suggests that agency administrators may be skeptical of researchers in general, but develop very positive relationships with specific individual university researchers.

> "It all starts with the relationship. I trust her [name omitted] work but I know she will ask for more than she needs so she has it for further research. It's okay but we have to have an open and honest relationship. We are going to trust you to do good work and to say what needs to be said in a way that respects the environment. If not, the relationship is shut down." (Virginia, agency)

> "[University researcher] has a proven track record of research and evaluation . . . we were very pleased with his results—reports that are relevant and easily understood by the workforce side." (Maryland, agency)

• ***Similarly, the perception that state agencies are resistant to negative findings may be an oversimplification that is largely context dependent.*** Receptivity of negative findings from state agencies seems to be impacted by a combination of factors including for example, the receptivity to data analysis and negative findings by the governor and senior administrators; the overall quality of the research, and whether such findings were shared with the agency in advance.

For example, agency administrators we interviewed in Maryland and Washington discussed the strong messages they received from the governor and the legislature, respectively that encouraged data analysis and transparency. These state agency administrators received strong messages that made data analysis and findings less politically threatening.

> "For example, there was a study that found that foster children served by our agency are much less likely to graduate than the general population—some areas were very low—10% graduation rates. We made sure we did some reaching out and presented the findings before they were released. Generally, the culture here is people are interested and want to know what works and what doesn't work. We are fine with that as an agency." (Washington, agency)

Even though negative perceptions exist, both parties need to be aware of the positive contributions that each can make to an effective partnership.

• ***While state agency administrators and university researchers identified important cultural differences, they also highly value each other and acknowledge the value-added of successful state agency-university research partnerships within SLDS.*** Given their overall time demands, combined with commonly reduced personnel and budgetary resources, partnering with university researchers can offer the opportunity for state agencies to gain valuable knowledge about the implementation and outcomes associated with their policies and programs. As an SLDS federal administrator commented, "Researchers can help the states learn a lot more . . . there is a lot of data analysis in the middle that is not being done." As one university faculty member explained, "Agencies are rarely given the resources or people they need to evaluate the choices they make. Those data are a great resource for evaluating and analyzing all these programs." (Virginia, university)

From the perspective of university researchers, state longitudinal data systems offer rich, unprecedented capacity to examine client progression patterns and outcomes among an array of agencies at the state level. Rather than limiting their analysis to one or two agencies, university researchers can examine client experiences across multiple agencies for several years. A Maryland researcher shared, "From the university perspective, any collaboration with state agencies is an opportunity to further research opportunities and student education opportunities. From a university perspective, that is important." Defining the value each group brings is critical to creating a common goal for the potential partnership.

• ***The strong, commonly shared interest for both groups is the ability to use data-driven decision making to improve the development, administration, and execution of social policies.*** As a Virginia university researcher explained, "My hope is that we really learn much about what happens in high schools and primary schools that affect postsecondary outcomes . . . I think the VLDS system could be vital to understanding how to design K-20 systems to get the outcomes."

> "It feels like a bit of a struggle at first . . . but it's the right thing to do for the research community and the legislature as well, to target funding and fund successful programs. To see the information over time how students are performing and to target funding is important." (Washington, agency)

> "There's a lot of potential value in influencing the value of people's lives. It's an exciting possibility to make a difference—it contributes to fact based decision-making." (Maryland, university)

**B. Essential Components to Bridging Cultural Differences**

Clearly, there are important cultural differences and values that largely affect state agencies and universities. How might they work together within SLDS to realize the largely untapped resource of these potential research partnerships?

• ***It is important for both state agency staff and university researchers to understand that each other's core cultural value systems will probably not change.*** Core organizational cultures are very difficult for any organization to modify.[26] Rather, core organizational cultures and values remain intact over the long term. Therefore, it is important to accept that state agencies will likely retain their bureaucratic processes and acute awareness of the political winds that affect them. Likewise, universities will retain their emphasis on academic freedom and scholarly publications as a highly valued cultural dimensions. To be effective, state agency-university partnerships may need to first accept these core cultural differences and bridge this divide among other important factors.

[26] Hannan and Freeman, 1984

## C. Relationships and Trust

• ***Informal factors related to relationships and trust are at least as important as formal factors, such as data governance and access in building state agency-university researcher partnerships.*** Table 5 reports the most important factor in building state agency-university research partnerships from the perspective of both groups. These factors can be grouped as formal, which are related to legal or organizational structures, and informal, which are related to interpersonal concepts. The formal factors included, for example, formal data sharing agreements and MOUs, personnel and budgetary resources, and technology and security. Informal factors included trust, shared vision and leadership and collaboration and communication. Overall, informal factors are viewed as very important by both groups, particularly among university researchers. This is an important finding because most of the SLDS focus to date has been on the formal factors.

**Table 5: Most Important Factor in Building State Agency-University Researcher Partnerships**

| | State agency | University | Total |
|---|---|---|---|
| **Formal Factors** | | | |
| Agreements/MOUs | 2 | 1 | 3 |
| Resources/budget | 8 | 3 | 11 |
| Technology/security | 7 | 1 | 8 |
| **Formal Factors Total** | **17 (27%)** | **5 (8%)** | **22** |
| **Informal Factors** | | | |
| Relationship Building/Trust | 4 | 7 | 11 |
| Shared Vision/leadership | 7 | 5 | 12 |
| Collaboration/communication | 7 | 11 | 18 |
| **Informal Factors Total** | **18 (29%)** | **23 (36%)** | **41** |

1. Relationship Building and Trust

• ***Having strong informal relationships based on trust is a very important component of building effective state agency-university researcher partnerships.*** In order to for state agencies and universities to more widely realize the benefits of these partnerships, effective relationships must exist. This is because trust leads to increased overall knowledge exchange, reduces knowledge exchange costs, and increases the likelihood that the knowledge acquired from the other party will be utilized.[27] Even federal guidance on the culture of education data identifies trust as an important factor in enabling longitudinal data systems. "It entails promoting data ownership and trust, building end users' capacity to use data responsibly, and focusing on using data for continuous improvement, not to shame or blame."[28]

Previous research suggests that within an organizational setting, interpersonal trust is typically built upon two primary dimensions: competence-based trust and benevolence based

[27] See for example, O'Reilly & Roberts, 1974; Penley and Hawkins, 1985; Zand, 1972; Currall & Judge, 1995; Zaheer, McEvily, & Perrone, 1998; Argyris, 1982; Cross, Rice and Parker, 2001; Mayer, Davis, and Schoorman, 1995.
[28] Data for Action, 2012, pg. 4.

trust. "Competence-based trust allows one to feel confident that a person sought out knows what s/he is talking about and is worth listening to and learning from."[29] "Benevolence-based trust allows one to query a colleague in depth without fear of damage to self-esteem or reputation."[30] Together, these two dimensions are critical in enabling knowledge transfer between two parties.

Agency administrators and university researchers alike noted the importance of building trust to create strong relationships.

> "There's no real resolution to that [cultural divide]. The only resolution is trust between the researcher and state agency folks. It usually comes down to that relationship and knowing you won't be thrown under the bus." (Virginia, university)

> "It's about building the trust. Folks were skeptical at first but now conversations are about how we can use the data in a positive way instead of fearing how will it be used in a negative way." (Washington, agency)

> "There is a lot of inconsistent interpretation . . . this goes back to building relationships, when the partners and individuals don't know each other well. FERPA, HIPAA, and these privacy restrictions can kind of be a convenient rationale for not sharing data. I think once those relationships are in place, there's an increased interest in working together to work some of those things out." (Virginia, university)

> "I think it is totally dependent upon relationships. I don't think we could do it any other way. This is sensitive data so trust is key." (Maryland, university)

> "SLDS creates an opportunity, but then you also have to have relationships." (federal agency)

<u>2. Time and Creating Trust</u>

An additional dimension of trust discussed by several respondents was the time associated with building it. While partnerships can develop quickly through formal agreements, respondents noted that it is important for all parties involved, including federal funders, to recognize it takes time to build trust in new partnering relationships.

> "I think having trust in place is important. Unfortunately, I don't think there's a quick way to build that . . . there is a human dimension that seems to only occur with the passage of some time." (Virginia, university)

> "It requires a relationship. It's not something that can be established on the outside. It is a transformational process, not a transactional one. It requires time and investment in

[29] Abrams, Cross, Lesser, and Levin, 2003, pg. 65.
[30] Abrams, Cross, Lesser, and Levin, 2003, pg. 65

getting to understand this is what the state agency needs and why they need it to work this way, and this is how the university functions and this is why they need it to happen this way." (Virginia, agency)

3. Shared Vision

• ***Several respondents identified the importance of making sure agency administrators and university researchers have a shared vision it terms of SLDS projects.*** Having a shared vision within SLDS includes developing research questions and using longitudinal data-driven research to guide policy. They also noted the critical importance of getting buy-in and creating a shared vision early in the process.

"I think it is identifying common interests and a compelling enough case of what we all want from the data." (Texas, university)

"The communication must be clear from both groups. There has been collaboration in this state where there was a desire for X,Y, Z and the university started A, B, C and people were unhappy. We need to be very clear on that in the beginning." (Maryland, university)

"If there is a university researcher developing a grant so that it is conceptualized together, so that in the end, the university researcher doesn't develop a research design/idea without having those discussions early on. Have those discussions early on is important." (Washington, agency)

• ***In particular, having a shared vision in terms of deliverables is important***. ***Both groups place the highest value on reports produced for high level government officials.*** During our interviews, we asked state agency administrators and university researchers to rank the importance of different deliverables including internal agency reports, white papers, academic peer-reviewed publications, and reports for high level government officials. As Table 6 displays, state agencies and university researchers most highly value reports to high-level government officials.

**Table 6: Value of Research Deliverables**

| | **State Agencies** (Mean Rating) | **University Researchers** (Mean Rating) | **t** | **p** |
|---|---|---|---|---|
| Internal agency report | 3.62 | 3.41 | -.585 | .561 |
| White paper/policy brief | 3.62 | 4.05 | 1.653 | .105 |
| Academic peer-reviewed publication | 3.16* | 4.12* | 2.847 | .007** |
| Report for high level government officials | 4.52 | 4.55 | .120 | .905 |

*Rating scale (1=low value, 5=high value)

**Difference is statistically significant $p < .01$

• ***The largest value difference in research deliverables between state agencies and university researchers is the value placed on academic peer-reviewed publications. While these are important to university researchers, they are the least valuable to state agencies.*** As Table 6 reports, agencies provide the lowest mean rating to peer-reviewed publications (3.16). On average, university researchers rate these significantly higher (4.12). While this finding is not surprising given the differing cultural values and incentive structures, it does point to important implications for building state agency-university researcher partnerships.

> "Researchers get a very myopic focus: Do their research and complete it. But to be effective in the partnership piece we need to be aware of the culture pieces. Show agencies what the benefit is for their agency and how this output is going to help them, and have some responsibility for the relationship building . . . I think researchers think relationship building is that I did good work for you. I gave you a good project, not thinking about the culture or trust component." (Virginia, university)

> "Lots of universities deal with complex data sets, so we knew they could handle the data. But, the agency folks, me being one of them, pushed back. We were not sure the university research is going to be exactly what the agency wants or that it would be presented in the way a local superintendent would appreciate it." (Maryland, agency)

> "For us, a good report is a report that tells us the results in our lingo." (Texas, agency)

> "There is some mistrust and perception that we only want to use it for our own goals—scholarship and tenure. The [public official] was hesitant to have a university partnership because of this. Our counter is that as a state school, we are here to help meet those goals. One of the things we have to do is publish, but that is not our sole intent." (Maryland, university)

• ***These findings suggest an important component in bridging the data divide is to develop mutually agreed upon deliverables from the outset.*** Having a discussion about the specific scope and content of project deliverables is important. Additionally, developing a clear understanding about the ability of university researchers to publish from the study in peer-reviewed academic journals after they have completed their deliverables for the state agencies is important.

In essence, having a shared vision along core dimensions, particularly deliverables, can increase trust across groups. Abrams, Cross, Lesser and Levin (2003) caution that new teams that skip or shorten this step based on efficiency considerations or a need to "get right to work" often develop early fissures because group members interpret the goals differently, which fosters distrust. As they explain, "Everyone thought they were doing appropriate work, but when they met to review progress, people found that they had gone in different directions

seemingly without reason. They thought only that their coworkers were doing bad work, or worse, were pursuing political agendas. This distrust arose from a lack of a shared vision."[31]

4. Effective Collaboration through Communication and Respect

Several respondents cited the importance of building effective collaborations between state agency administrators and university researchers, as well as the liabilities of not doing so. Key aspects of establishing these collaborative efforts include frequent communication, mutual respect, and fostering collaboration by using creative incentives.

> "The most important thing is ongoing communication and collaboration, as far as making sure that researchers and the folks in the field know what the other is doing. You have to have that dedicated time once a week, twice a week—whatever it takes—to make sure that everyone is comfortable with what the other folks are doing." (Maryland, agency)

> "It is about an ability to trust. There needs to be one or two consistent people on each side dealing with each other. Collaborations are about people being involved feeling comfortable." (Maryland, university)

> "There is an amazing demand for researchers who can work in that collaborative environment." (federal agency)

Research indicates the value of communication in building relationships. "More frequent communication increases the amount of information available to assess another's abilities, intentions, and behaviors within the relationship."[32] Moreover, collaborative communication strengthens the quality of the interaction because both sides begin to share and listen to each other's thoughts and ideas.[33] Collaborative communication is affected by each party's perception of respect.

> "We have a good relationship [with state agencies] . . . They respect the quality of the work that we do and we have a solid relationship. (Washington, university)

> "My most important recommendation [for] building partnerships with university researchers is for state agency folk - you have got to come to the table and treat them as partners. That seems incredibly obvious, but there is a tendency to treat them as subcontractors, as somewhat out of touch experts, but not treat them as partners." (Maryland, university)

[31] Abrams, Cross, Lesser & Levin, 2003, 70
[32] Abrams, Cross, Lesser, &Levin, 2003, 68
[33] Abrams, Cross, Lesser, &Levin, 2003, 68

> "Number one, put the interest of the agency or agencies first…..Academics do not place themselves in the shoes of the agency. That is definitely priority number one." (Maryland, university)

**D. A Few Cautions**

While the vast majority of respondents identified the importance of building relationships and establishing trust, a few respondents expressed reservations about basing state agency-university research partnerships so heavily in relationships.

> "They should not focus on individual relationships. They should have cooperative agreements with public higher education organizations in the state, for example . . . Once that's established, it will be more efficient." (Virginia, university)

> "It's probably not a highly sustainable effort if it's being based on relationships. Having it be a little bit more permanent, based on legislation, or other formalization like that would be important." (Virginia, agency)

> "We do a significant amount of communication about what is allowable and the conditions under which the information can be exchanged. Then, once we get a consensus, people change positions or retire, so we have to go back over it all again." (Maryland, agency)

Some university researchers felt that state agencies should extensively vet their research partners through reviewing their previous work and obtaining references from previous clients, but then, entrust the vetted researcher to complete the work.

> "The vetting process is important. Vet [university researchers] thoroughly, but then entrust them to do the work . . . It shouldn't be a new process each time. Obviously, we are going to do research and obviously, it's your data, so we should work that out up front. Every step of the way it should be a partnership." (Virginia, university)

**E. Tools for Building Trust and Informal Relationships**

Given the significant importance of strengthening informal relationships in developing effective relationships between state agencies and university researchers, it may be useful for them to routinely self-assess trust building at multiple time periods, particularly in the beginning stages of a new partnership. Appendix K presents a self-assessment trust instrument designed to allow individuals within the group to assess trust along ten core dimensions. Results from this assessment tool can then inform the overall state agency-university researcher partnership by identifying specific aspects of trust that are strong, as well as those that are weaker. For example, over the course of a year-long project, members of a state agency-university partnership may conduct the assessment quarterly to first assess baseline trust and then identify changes overtime. The partners can then incorporate changes designed to address specific areas of trust as their work continues, so that ideally, trust increases

overtime. For example, if there are low values on the “frequent and rich communication” dimension, the partnership may wish to add additional face-to-face, telephone, or email communication. The trust assessment tool can also identify shifts in core trust dimensions. For example, if the group initially rated “shared vision” highly, but then rated it lower during the next quarter, this provides an early detection that there are differing interpretations of the partnership’s overall goals. By routinely assessing dimensions of benevolence-based trust, agency administrators and university researchers can gauge this core component that influences the effectiveness of these partnerships. Subgroup analysis can also be performed to assess differing groups’ perspectives on trust. Over time, this assessment tool will also provide useful comparative information as different state agency-university partnerships form, which may be useful in identifying individuals in both groups that demonstrate trusting behaviors, which may be an important consideration for future work.

## VI. Formative Feedback

The development of statewide longitudinal data systems offers an important opportunity for state agencies and universities to build and sustain important partnerships. If structured effectively, these partnerships have the capacity to dramatically increase data analysis that can result in marked improvements in the allocation and utilization of state resources.

It is important to note that each state has its own history, system, and culture that must be taken into consideration when designing such partnerships. Given the variation in structural factors such as gubernatorial term limits, legislative composition, partisan politics, and state political cultures overall, designing a "one size fits all" approach to developing state agency-university research partnerships is inappropriate and has limited practical utility. However, the development of these partnerships can be guided by a set of principles that may increase the likelihood that such arrangements will be effective.

1. Defining research projects that are mutually beneficial to both parties is critical, particularly in terms of project deliverables. One of the most significant challenges agencies face in sustaining partnerships with university researchers is ensuring they receive value from the work.

2. Building state agency-university partnerships within SLDS may initially be easier for states that already have some experience in these efforts. On the whole, these states may be better positioned to build upon these arrangements to promote data sharing and analysis.

3. Leadership and support from the Governor's office sets a strong tone for facilitating data sharing both among agencies and with university partners. Strong support from the Governor's office and the state legislature can go a long way in advancing data governance and access structures that facilitate state agency data sharing with university researchers.

4. The Attorney General's office is a major factor in building successful research partnerships. Developing ways to receive common guidance across state agencies regarding the interpretation of FERPA and other important policies may foster increased data sharing.

5. State agencies confront an important challenge of managing the tension between privacy and transparency. Both values are fundamental responsibilities of government. Within SLDS there is important guidance from federal agencies that can greatly assist states in managing this tension. On the whole, awareness of these resources at the state level is rather low. This suggests SLDS administrators need to increase the visibility and communication of these materials.

6. Data sharing involves risk. State agencies may find it valuable to candidly assess their risk tolerance and to use an assessment to guide their guidelines for data assess. However, once such arrangements have been developed, the process should be transparent and consistent for researchers.

7. While state agency personnel and university researchers value research partnerships and recognize the benefits of these relationships to realizing the capacity of SLDS, they operate from fundamentally different core organizational cultures. It seems both practical and effective for both groups to recognize their core values will likely remain but effective partnerships can still be established despite these differing cultural values.

8. Building strong informal relationships based on collaboration, shared vision, and trust is a major factor in developing effective state agency-university partnerships. Building such relationships does takes time, but there is potential for a high return on investment for SLDS efforts overall if such relationships are formed. Developing SLDS supports similar to PTAC may provide a useful resource as state agencies and university researchers undertake these efforts.

9. There will likely be bumpiness for agency administrators and university researchers in the initial development of these partnership efforts. Over time, however, once formal data access systems develop and trust builds, the potential capacity for these partnerships in advancing knowledge for some of society's most recalcitrant challenges is substantial and largely untapped.

10. Resources are available to navigate these tensions. The report appendices provide tools for change and building bridges. It is important for agencies involved in this process to assess their risk tolerance level and understand the tradeoffs that exist in structure decisions and how those decisions affect potential partnerships.

## Conclusion

Bridging the data divide is influenced by several factors including gubernatorial and legislative support, privacy interpretation by attorneys generals, and formal state SLDS structures involving data governance, security and access. Bridging the data divide also involves the important (and time intensive) work associated with building trust among the two groups by developing a shared vision from the outset, and building collaborative efforts based on mutual respect. State agencies value excellent researchers who are sensitive to the political environment in which state agencies operate. University researchers value state agencies that are open to accepting the results of careful analysis and that will work with them to most efficiently navigate bureaucratic processes. State longitudinal data systems have the potential to significantly advance analysis of important state policy issues. Building such strong partnerships between state agencies and university researchers can be an essential catalyst to realizing the larger societal gains they commonly seek to achieve.

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## Appendix A: The Family Educational Rights Privacy Act (FERPA)

## The Family Educational Rights Privacy Act (FERPA)[34]

### What is FERPA?

The Family Educational Rights Privacy Act was established in 1974 to protect the privacy of student information and education records. FERPA is a federal policy that greatly impacts how states share information and data. FERPA does not have any data sharing provisions; its regulations are interpreted as applicable to the disclosure of personal identifiable information. The federal policy does not apply to de-identified data.

FERPA is a privacy and confidentiality statute providing the minimum privacy standards that must be met. A data sharing approach can be considered 'FERPA compliant' and still not provide sufficient protection, therefore many states and agencies adopt more stringent privacy laws on data sharing.

*Authority: 20 U.S.C. 1232g (b)(4)(A)* – Personally identifiable information may include direct identifiers such as a student's name, address, social security number, student number, date of birth, and place of birth. PII can also include indirect identifier such as identifiers of family members and any information that is linked or linkable to a specific student record.

### Who can share data?

*34 CFR Section 99.30* –FERPA regulations state that the parent or eligible student shall provide prior consent before an educational agency or institution discloses personally identifiable information. The FERPA regulations from 2008 authorized the release of confidential student data to third party researchers and data analysts. The third party must be performing the research on behalf of the educational agency or institution. The third parties that receive information from the educational agencies and institutions are not allowed to re-disclose that information without further written consent.

*34 CFR Section 99.31* - FERPA was most recently amended on December 2, 2011 with the new regulatory changes effective January 3, 2012. These regulations outlined conditions in which prior consent was not required to proceed with sharing personally identifiable information. The new regulations specifically focused on authorized representatives and education programs. The new regulations expanded the ability of state and local education authorities to designate authorized representativeness. Authorized representatives are any individual or entity that has been authorized to conduct an audit or evaluation of a federal or state supported education program. Authorized representatives are considered FERPA permitted entities. (*PTAC*)

[34] Family Educational Rights and Privacy Act 34 CFR Part 99; Winnick, Palmer, Coleman 2006; Dougherty 2008

**What is the purpose of data collection?**

*34 CFR Section 99.33*- FERPA exceptions made certain third parties eligible to receive personally identifiable information without prior consent. The exception allowance has introduced further constraints onto third parties, centered on the re-disclosure of data.

The new requirements include mandatory written agreements for sharing data without consent under the Audit/Evaluation and Studies Exceptions (*PTAC*). The written data sharing agreements increase agency accountability within the data sharing process. The creation, mandatory elements, and the enforcement of data sharing agreements vary greatly between states.

**What are the research exceptions?**

The general rule under FERPA is that personally identifiable information from education records cannot be disclosed without written consent. There are two exceptions: they are the 'Studies Exception' and the 'Audit or Evaluation Exception'.

*20 U.S.C Section 1232g (b)(1)(F) and Section 99.31 (a)(6)* – The Studies Exception allows for the disclosure of personally identifiable information from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts, or postsecondary institutions. The studies can be for the purposes of developing, validating of administering predictive tests, administering student aid programs, and improving instruction
*20 U.S.C. Section 1232g(b)(1)(C), and (b)(5) and Section 99.31 (a)(3) and 99.95* – Audit and Evaluation Exception allows for the disclosure of personally identifiable information from education records without consent to authorized representatives and other FERPA permitted entities that will be used to audit or evaluate a Federal or State supported education program. Or the data can be shared to enforce compliance with federal legal requirements related to the education programs.

# Appendix B: Maryland LDS System

# The Maryland Longitudinal Data System

## Data-Driven Decision Making

## What is the Maryland Longitudinal Data System (MLDS)?

Maryland has a new tool to track student achievement and educational outcomes – the Maryland Longitudinal Data System (MLDS). MLDS connects student data from across Maryland's education and workforce agencies to provide a more complete picture of the progress students are making as they move from Pre-K through grades K-12 and into higher education and the workforce.

MLDS makes it possible to monitor student performance as well as track statewide educational trends over the long term – providing a variety of data that can be utilized to improve student outcomes, school practice, and education policy.

At the classroom level, educators are able to see the impact of their curriculum and practices on college and career attainment. At the state level, this information can provide insight into the success of educational policies and programs.

Ultimately, MLDS allows us to see where students have come from, where they are going, and what they need to be fully prepared to succeed in college and the workforce.

> *"Being able to better measure the progress that our kids are making is critically important for expanding opportunity and improving job options in the future."*
>
> – Governor Martin O'Malley

## What kinds of data are being collected by MLDS?

Courses taken • Grades achieved • Test results • Participation • Persistence and completion • Grade Point Average • Transitions • Degree, diploma, or credential attainment • Enrollment • Credits earned • Demographic data • Employment status • Wage information • Type of employment •

## Where does the data come from?

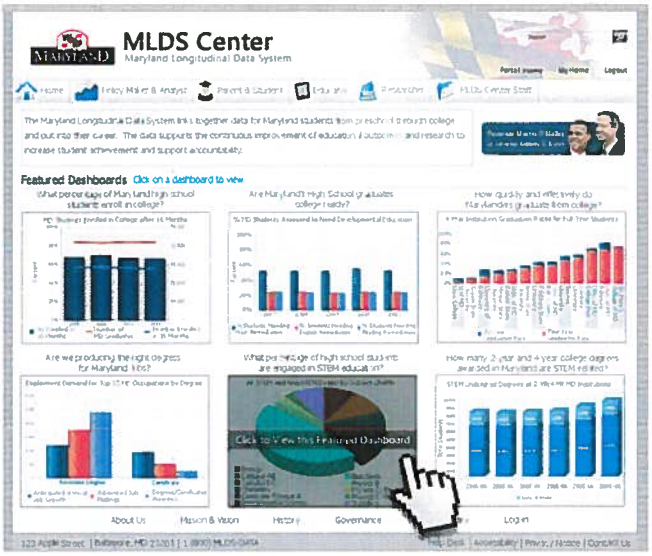
- The Maryland State Department of Education
- The Maryland Higher Education Commission
- The Department of Labor, Licensing and Regulation

Maryland State Department of Education – Preparing World-Class Students
MHEC – Maryland Higher Education Commission
State of Maryland DLLR – Department of Labor, Licensing and Regulation

## The MLDS Online Portal

### Getting the Right Data to the Right People

The MLDS online portal organizes the system's vast amount of data by user, ensuring that the people of Maryland can easily access the right information to fit their needs.



*Data for Parents and Students:*
Parents and students will be able to see how students progress towards college- and career-readiness. The data will help them determine what courses, training programs, and institutions can lead to success in a student's college and career goals.

*Data for Educators:*
Educators can use student data to track the progress of students over the long term and adjust curricular choices, teaching methods, and classroom practice to improve student readiness and achievement.

*Data for Researchers:*
Researchers will be able to analyze MLDS data to help evaluate and answer questions about the State's education policies and outcomes – turning raw data into useful, actionable information.

*Data for Policymakers:*
Policymakers will be able to evaluate which education policies and programs are effective and where improvements are needed. That information will help them to make decisions based on what is shown to increase student achievement and educational outcomes.

## Dashboards

### Transforming Data into Knowledge

*"Dashboard" – A visual display of information usually as a graph or chart; makes data easy to interpret and understand.*

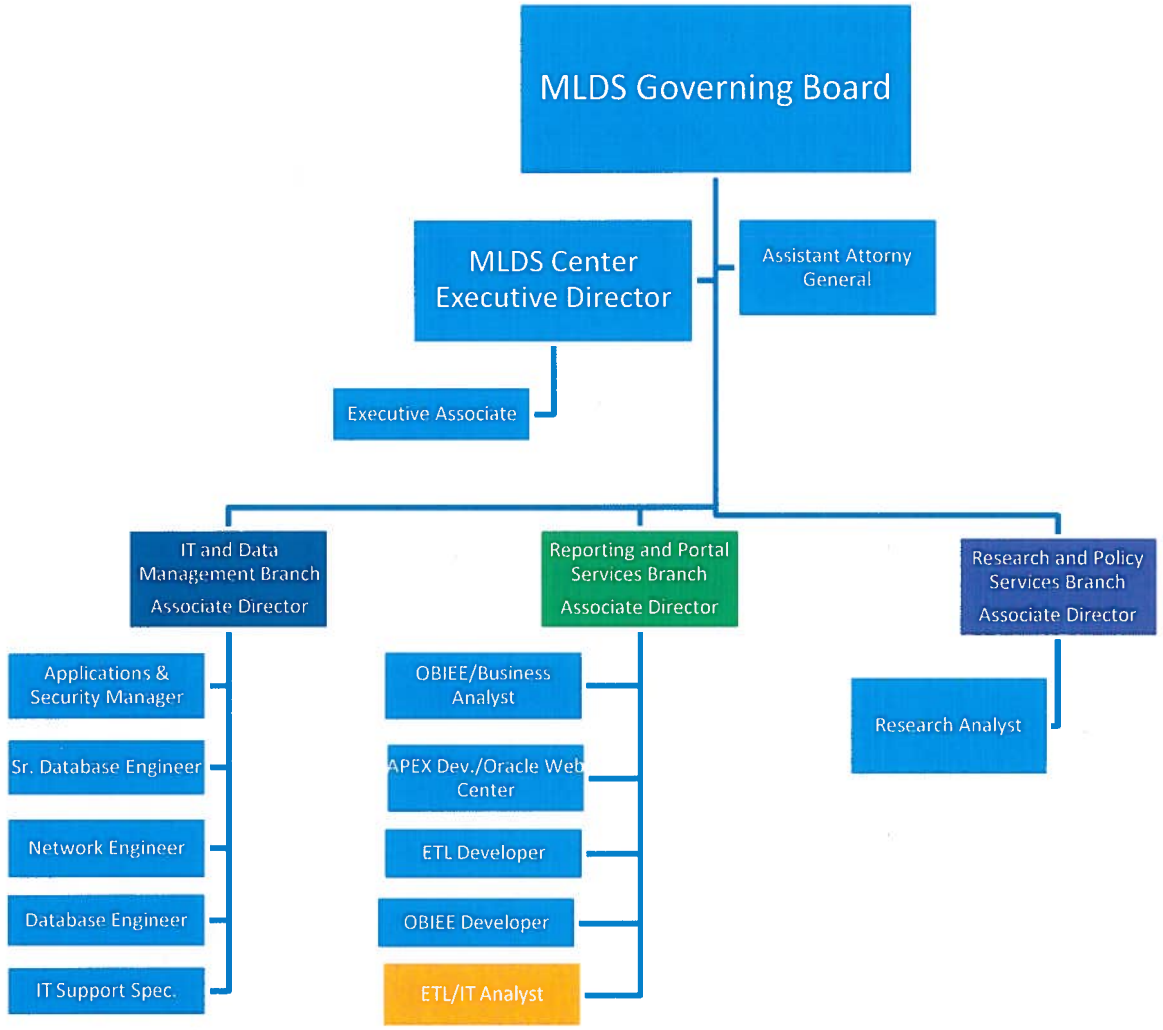
The data collected by MLDS will be displayed through easy-to-use online dashboards on the MLDS portal. The dashboards will help teachers, parents, policymakers, and other education stakeholders analyze and interpret the data, allowing them to use this new information to improve student achievement and college- and career-readiness.

To visit the MLDS online portal and view the data dashboards, go to: **MLDSCenter.org**

## PRIVACY & SECURITY

MLDS follows strict guidelines to maintain student confidentiality and ensure the data it collects is secure. The names of individual students and any other identifying information, including the State Assigned Student Identifier, will be removed from all data available to the public and researchers. Security protocols are also in place limiting who has access to what data and for what purpose. Maryland also follows all applicable federal laws, including the Family Educational Rights and Privacy Act (FERPA), to ensure data security and privacy for students and their families.

# Maryland Longitudinal Data System (MLDS) Center




- MSDE / Center Staff
- MHEC / Center Staff
- UMB / Center Staff
- DLLR / Center Staff

# MLDS Center

## Maryland Longitudinal Data System

A CENTRAL REPOSITORY FOR STUDENT AND WORKFORCE DATA

**Governing Board** (Senate Bill 275)

- General oversight and director appointment
- Annual budget approval
- Policy and Research agenda
- FERPA and legal compliance oversight
- Vendor contract review for privacy/security safeguard
- Timeline for electronic transcripts using SASID
- Research Requirements Review
- Data Request Approval Policies

**Research Advisory Committee** (RAC)

- Guidance on issues of national importance to keep Maryland ahead of the curve on changing national education environment
- Funding source identification and opportunities for Maryland to become a leader using longitudinal P20W data

**IT & Data Management**

- Security
- Privacy Compliance Standards
- Privacy and Security Audits
- Breach Notification
- Data Retention and Disposition
- Database Architecture
- Database & Server Administration
- Installation and Configuration
- Production and Help Desk Support

**Reporting & Data Services**

- ETL: Extract, Transfer, Load Data (Informatica, OWB)
- Business Intelligence Reports and Analysis (OBIEE)
- State and Federal Reports
- Information & Data Requests
- Oracle Portal & Web Center Development
- Business Analysis and Requirements Gathering
- Agency Subject Matter and Content Experts
- Interagency Liaison for Review and Sign-off
- Production QA and System Testing Team

**Research & Policy Services**

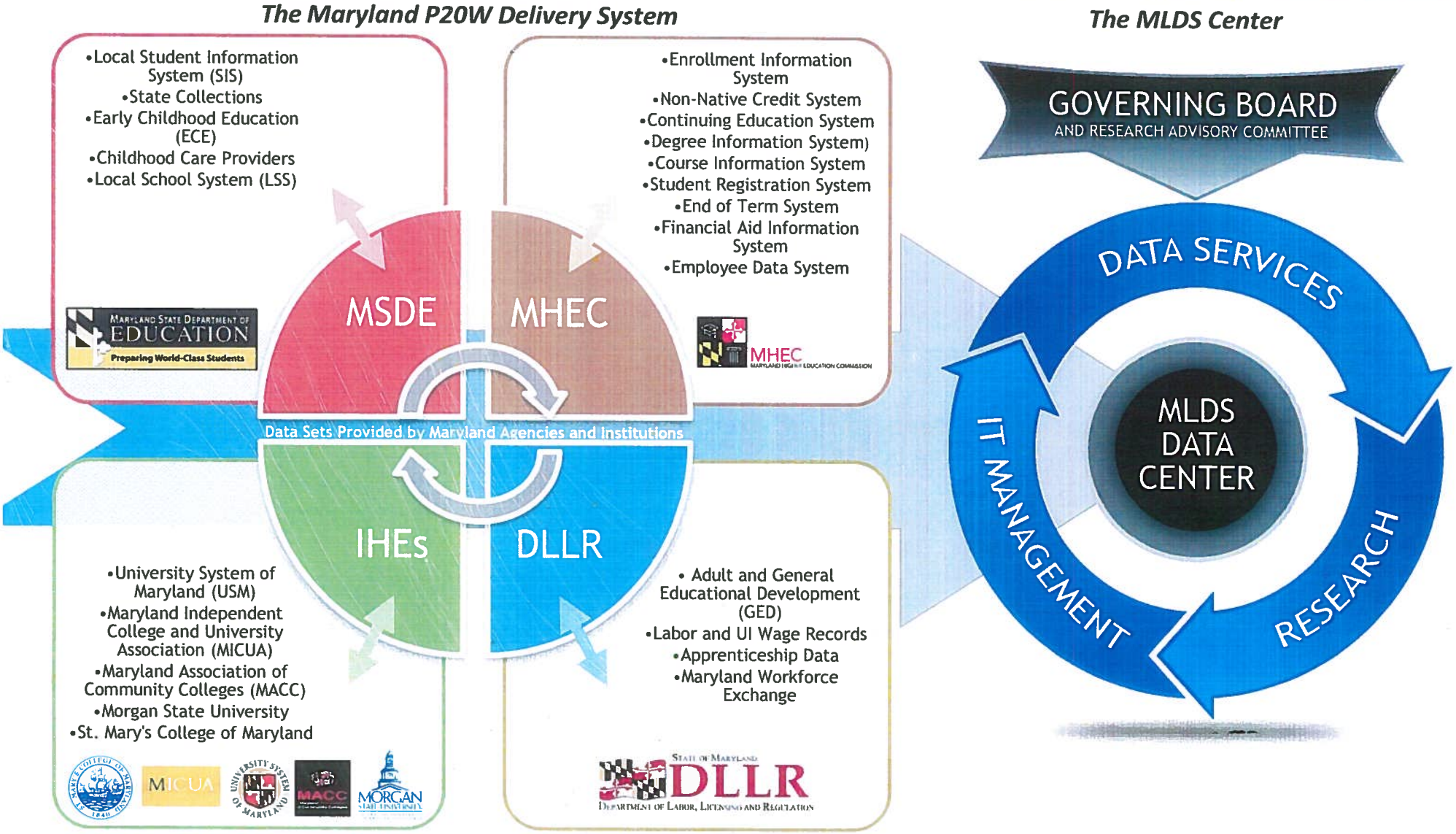
- Research and Policy Agenda
- Data Evaluation and Analysis
- Funding and Grant Opportunities
- Educational Reports and Publications
- Research Advisory Committee (RAC)
- Archive Reports and Studies Annually

Maryland State Department of Education — Preparing World-Class Students
MHEC Maryland Higher Education Commission
State of Maryland DLLR Department of Labor, Licensing and Regulation
University System of Maryland
MICUA
MACC
Morgan State University

# MLDS Center

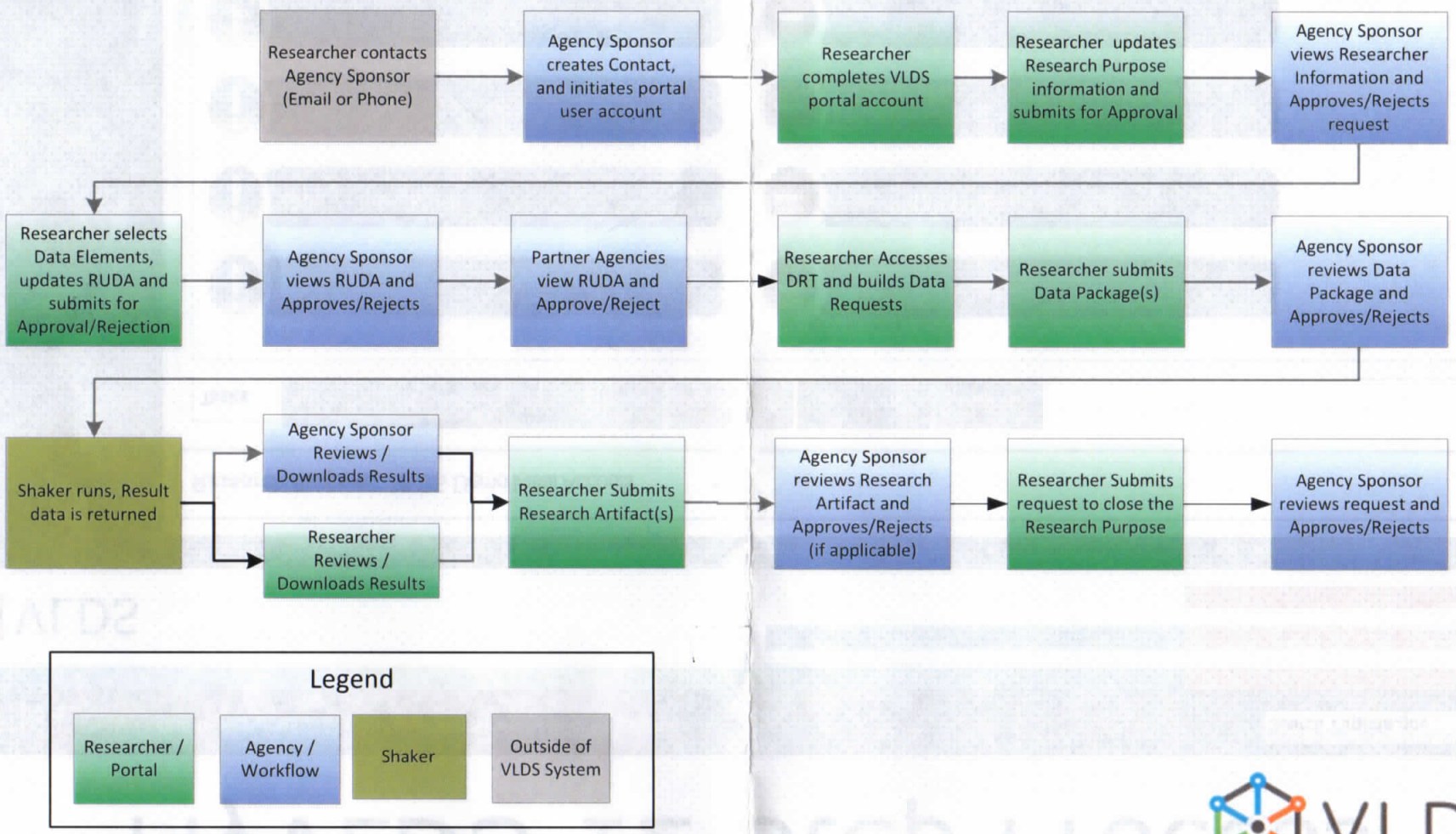
## Maryland Longitudinal Data System

**A CENTRAL REPOSITORY FOR STUDENT AND WORKFORCE DATA**



# Appendix C: VLDS Process Overview

# VLDS Process Overview




VLDS

# Appendix D: ERDC Data Request Process And Form

ERDC DATA REQUEST PROCESS

1. Request form filled out and sent to ERDC
2. ERDC calls requestor to clarify request if necessary
3. If request is changed, ERDC will send changes to requestor for approval
4. ERDC sends the data request that includes study questions and data requested to data contributors
5. Data contributors have 5 days to review and respond to requestor about the data requested
6. Requestor works with ERDC to revise request based on feedback, if necessary
7. ERDC creates a data sharing agreement with requestor to share the linked, de-identified data
    a. Copy of signed DSA will be made available by ERDC via the website or email
8. ERDC works to get the data to requestor
9. Requestor works with the data and contacts data contributors with questions about their data
10. Requestor sends draft report to ERDC for distribution to data contributors.
11. Data contributors have 10 days to review report and respond to requestor with comments about use of data
12. Requestor releases report

EDUCATION RESEARCH & DATA CENTER

# Data Request Form

**Contact Information**

Name: _____ Title: _____ Phone: _____

Organization: _____ Address: _____

Email: _____ Date Submitted: _____ Date Needed: _____

**Request Information** **Name of Request**: _____

DESCRIBE IN DETAIL the purpose of your request. Include information about the data you are requesting, and how the data will ultimately be used. Be as specific as possible. Describe what group of people you want to study and the data attributes you want to include.

Intended audience: _____

☐ Formal Request (publish or share with public) ☐ Informal request (information only, internal)

Frequency: ☐ One-time ☐ Annually ☐ Other

Has this information been requested before? ☐ No ☐ Yes

Do you currently have a data sharing agreement with the ERDC? ☐ No ☐ Yes ☐ Unknown

**Dataset Information**

**Primary definition of cohort:** **Year(s) of data requested:** _____

☐ Early childhood ☐ K-12 ☐ CTC ☐ 4-year ☐ Workforce

**Sector(s) needed to link the research group to to complete research:** Year(s) of data requested: _____

☐ Early childhood ☐ K-12 ☐ CTC ☐ 4-year ☐ Workforce

**Type of data needed:**

☐ Assessments ☐ Institution characteristics ☐ Workforce outcomes

☐ Enrollment/graduation ☐ Program information ☐ Financial information

☐ Student characteristics ☐ Course information ☐ Financial aid

**Type of dataset requested:**

☐ aggregate totals ☐ deidentified individual records ☐ identifiable individual records

Are duplicate counts of students okay (i.e. students that have two enrollments over a certain period)

☐ Yes ☐ No (describe how to handle them) _____

Additional information about ERDC, recent studies, and available data can be found at http://erdc.wa.gov

For assistance, please contact Tim Norris at (360) 902-0603 or erdc@ofm.wa.gov

Rev 10.17.2012

# Appendix E: Maryland Legislation

**Maryland Statutes and Codes**
**Section 24-702 - Maryland Longitudinal Data System.**
**§ 24-702. Maryland Longitudinal Data System.**

(a) Established.- The State Department of Education, Maryland Higher Education Commission, University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Department of Labor, Licensing, and Regulation jointly shall establish the Maryland Longitudinal Data System that shall be fully operational by December 31, 2014.

(b) In general.- The Maryland Longitudinal Data System is a statewide data system that contains individual-level student data and workforce data from all levels of education and the State's workforce, and allows the Center to:

(1) Effectively organize, manage, disaggregate, and analyze individual student data; and

(2) Examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.

(c) Time period for linkage of student data and workforce data.- The linkage of student data and workforce data for the purposes of the Maryland Longitudinal Data System shall be limited to no longer than 5 years from the date of latest attendance in any educational institution in the State.

(d) Purpose.- The purpose of the Maryland Longitudinal Data System is to:

(1) Generate timely and accurate information about student performance that can be used to improve the State's education system and guide decision makers at all levels; and

(2) Facilitate and enable the linkage of student data and workforce data.

[2010, ch. 190.]

# Appendix F: Texas Legislation

**Texas Legislative Session: 83(R)**

**House Bill 2103** **House Author:** Villarreal et al.
**Effective**: 6-14-13 **Senate Sponsor:** Seliger

House Bill 2103 amends the Education Code to require the Texas Education Agency (TEA), the Texas Higher Education Coordinating Board, and the Texas Workforce Commission to execute cooperative data sharing agreements for the purpose of facilitating education and workforce preparation studies or evaluations at education research centers. The bill requires the coordinating board, in accordance with an agreement, to maintain the data contributed by the cooperating agencies in a P-20/Workforce Data Repository operated by the coordinating board and, as provided by the agreement, to include certain other data in the repository, including data from college admissions tests and the National Student Clearinghouse, and to conduct data matching using a protocol approved by the cooperating agencies.

House Bill 2103 removes the provision authorizing the commissioner of education and the coordinating board to establish not more than three centers for education research for conducting specified research and instead requires the coordinating board to establish not more than three centers for education research to conduct studies or evaluations using the data described by the bill. The bill requires a center to be established as part of a public junior college, public senior college or university, or public state college, or a consortium of those institutions, as previously authorized, but no longer authorizes a center's establishment as part of either TEA or the coordinating board.

House Bill 2103 removes various provisions relating to the joint powers and duties of the commissioner of education and the coordinating board with respect to the funding and operation of such education research centers and instead vests those powers and duties in the individual cooperating agencies, as applicable, but adds a requirement for the commissioner of higher education to create, chair, and maintain an advisory board for the purpose of reviewing study proposals and ensuring appropriate data use by the education research centers. The bill provides for the advisory board's composition and organization and sets out requirements and procedures applicable to the advisory board.

# Appendix G: Washington Legislation

**Washington**
**RCW 43.41.400**
**Education Data Center**

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served[35];

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and

[35] The website http://erdcdata.wa.gov provide interactive access to post-secondary participation information that can be used by agencies, policymakers and the general public.

other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

[2012 c 229 § 585; 2009 c 548 § 201; 2007 c 401 § 3.]

# Appendix H: Example Attorney General Memo

**Rob McKenna**
# ATTORNEY GENERAL OF WASHINGTON
Education Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 753-6200

## MEMORANDUM

DATE: July 9, 2008

TO: Joe Willhoft, Assistant Superintendent for Assessment and Student Information
Office of the Superintendent of Public Instruction
Irv Lefberg, Office of Financial Management

FROM: David A. Stolier, Sr. Assistant Attorney General

SUBJECT: **Education Research and Data Center**

You have asked whether federal law presents any barrier to the Office of the Superintendent of Public Instruction (OSPI) carrying out its state law duty to disclose information to the State Education Research and Data Center under RCW 43.41.400. More specifically, does the Family Educational Rights Privacy Act (FERPA) prohibit OSPI from supplying personally identifiable student information to the Education Research and Data Center for purposes of research and data analysis?

**Brief Answer:** RCW 43.41.400 can be harmonized with FERPA to allow such disclosure subject to FERPA's safeguards against re-disclosure of any student information.

## A. BACKGROUND

**1. The Education Research and Data Center.** RCW 43.41.400 establishes the Education Research and Data Center (ERDC) in the Office of Financial Management. Its mission is to conduct (jointly with the legislative evaluation and accountability committee (LEAP))[1] "collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system." RCW 43.41.400(1). OSPI and other education agencies of the state are directed to develop data-sharing and research agreements to facilitate the work of the ERDC. RCW 43.41.400(3). Although the ERDC is administratively housed in the Office of Financial Management[2], the legislature has established the ERDC, as a matter of state

[1] LEAP was created by the Legislature in 1977 to be the Legislature's independent source of information and technology for developing budgets, communicating budget decisions, tracking budget and revenue activity, consulting with legislative committees, and providing analysis on special issues in support of legislative needs. *See* RCW 44.48.

[2] The Office of Financial Management is part of the Office of the Governor with responsibility for, among other things, financial planning and budget coordination among state agencies. RCW 43.41.050; 110.

law, as an *authorized representative* of the state educational agencies. RCW 43.41.400(1) (emphasis added). The statute was enacted as part of the same bill authorizing OSPI to establish a longitudinal data system to "aid research into programs and interventions that are most effective in improving student performance and to provide information on areas within the educational system that need improvement." Laws of 2007, ch. 401, § 2 (E2SSB 5843).

To summarize, the ERDC is established as an authorized representative of the state educational agencies for purposes of researching and analyzing data to support education budgeting and policymaking functions of the Legislature, the Governor, and state educational agencies.

2. **The Family Education Rights Privacy Act (FERPA).** FERPA is a federal law enacted by Congress in 1974. It generally prohibits educational agencies or institutions from disclosing personally identifiable student information from an education record without consent of the parents. 34 CFR 99.30.[3] Personally identifiable information has been defined to include information that would make a student's identity easily traceable. 34 CFR 99.3. School districts maintain education records containing personally identifiable student information. Absent consent of a student's parent, school districts may disclose personally identifiable student information only pursuant to one of the fifteen exemptions set forth in the law. *See* 34 CFR 99.31. Aggregate data that does not identify individual students is not restricted by FERPA.[4]

## B. ANALYSIS

As the state educational agency, OSPI is generally not considered the primary holder of original student records under FERPA since it does not provide direct educational services or instruction. *See* 34 CFR 99.1(a)(1).[5] However, OSPI is a secondary holder of the information because it receives personally identifiable student information from school districts under the following FERPA exemption.

> An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by § 99.30 if the disclosure meets one or more of the following conditions:
>
> . . .
>
> (3) The disclosure is, subject to the requirements of § 99.35, to *authorized representatives* of

[3] The federal statute is codified at 20 U.S.C. 1232g. This Memorandum cites exclusively to the implementing regulations of the U.S. Department of Education (Code of Federal Regulations), 34 CFR Part 99.

[4] FERPA is enforced by the Family Policy Compliance Office (FPCO) in the U.S. Department of Education. Penalties for violation of FERPA may include withholding of federal payments under any applicable federal program or termination of eligibility to receive federal funding under any applicable program. 34 CFR. 99.67. If an educational agency believes it cannot comply with FERPA due to a conflict with a state law, it must notify the Family Policy and Compliance Office within 45 days. 34 CFR 99.61.

[5] There are certain exceptions to the general rule that are not relevant here.

. . .
(iv) *State and local educational authorities.*

34 CFR 99.31(a) (emphasis added). The exemption is further subject to the condition that the information *not be re-disclosed by the state officials* and that it is destroyed when no longer needed for the audit or evaluation purposes. 34 CFR 99.35.

The Family Policy Compliance Office has interpreted the term "state and local educational authorities" to mean, "[A]n agency or other party with educational expertise and experience that is responsible for and authorized under State or local law to regulate, plan, coordinate, advise, supervise or evaluate elementary, secondary, or postsecondary education programs, services, agencies, or institutions in the State."[6] OSPI clearly fits the definition of a state educational authority and thus, the local school districts may disclose personally identifiable student information to OSPI under the exemption.

In a previous Memorandum to Superintendent Bergeson, I highlighted the constraints on OSPI's ability to re-disclose personally identifiable student information to other state agencies.[7] In support, I cited a 2004 Guidance Letter from FPCO to the State of California wherein the FPCO examined the practice of state education agencies *designating* other state agencies (such as California's Department of Health Services) as *authorized representatives* of the state education agency for purposes of disclosing personally identifiable student data. FPCO stated such an arrangement violates FERPA because a state educational authority may not authorize or designate another state agency as its authorized representative. The FPCO position grew out of a concern that the education agency's *unlimited discretion to appoint or designate an authorized representative* for data matching purposes essentially vitiates the specific conditions for nonconsensual disclosure under §§ 99.31 (a)(3) and 99.35. *FPCO Letter of February 18, 2004 to California Department of Education.* Rather, to be considered an "authorized representative" of a state educational agency, a third party must be under direct control of the agency, as with an employee, appointed official, or contractor. *Id.*

The ERDC presents a slightly different issue than was presented in California because here, OSPI is not acting to designate another agency as an authorized representative. OSPI does not exercise any discretion in the matter. Instead, the Washington Legislature made the ERDC an authorized representative of OSPI by operation of state law. The Legislature created the ERDC and authorized the longitudinal data system in the same comprehensive bill, evidencing an intention that the ERDC would perform research and analysis on data collected through the longitudinal data system. Thus, it is reasonable to conclude that FPCO would recognize the State's choice to organize its educational authorities and data collection systems in this manner.

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[6] *FPCO Letter of July 11, 2005 to Western Kentucky University.*
[7] Memorandum to Dr. Terry Bergeson, dated March 30, 2007.

Further, this legislative act obviates FPCO's policy concern about unbridled agency discretion to appoint an authorized representative.
A subsequent Guidance Letter from FPCO to Western Kentucky University refines the California analysis somewhat and may provide an alternative way to consider the ERDC. Western Kentucky University asked whether it could disclose personally identifiable student information to the Kentucky Council of Postsecondary Education (CPE). The FPCO examined the state statutory authority for the CPE and concluded that the CPE qualified as a "State or local educational authority" in its own right under 34 CFR 99.31(a)(3).[8]

FPCO noted that under state law,

- CPE leads and provides staff support for the biennial budget process and advises the Governor on recommendations to the General Assembly on appropriations for postsecondary institutions and devises policies for allocation of funds among the institutions.
- CPE maintains a uniform financial reporting procedure used by all postsecondary institutions.
- CPE is directed to develop a system of public accountability by evaluating the performance and effectiveness of the State's postsecondary system.
- CPE submits to the Governor and the Legislative Research Commission an annual accountability report.
- CPE collects various other statewide data reports related to P-12 factors that contribute or detract from student success.

In comparison with the Kentucky CPE, the Washington Education Research and Data Center is slightly more remote in terms of evaluating programs, but supports a significantly broader scope of education in the state: pre-kindergarten through higher education (P-20). The ERDC supports the education budget and policymakers including the Legislature, the Governor, and the other state educational authorities listed in the statute.[9] Duties of the ERDC include the following:

- Conduct collaborative analyses with the other educational agencies of early learning, K-12, and higher education programs and education issues across the P-20 system. RCW 43.41.400(1).
- Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories with racial subgroups, and complete P-20 research projects. RCW 43.41.400(2)(a).
- Track enrollment and outcomes through the public centralized higher education enrollment system. RCW 43.41.400(2)(c).

---

[8] *FPCO Letter of July 11, 2005 to Western Kentucky University.*

[9] In addition to OSPI, these include the State Board of Education, the Professional Educator Standards Board, State Board for Community and Technical Colleges, the Workforce Training and Education Coordinating Board, the Department of Early Learning, and the Higher Education Coordinating Board. RCW 43.41.400(1).

- Assist *other* state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs. RCW 43.41.400(2)(d).
- Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system. RCW 43.41.400(1)(e).

Taken as a whole, the ERDC enabling authority manifests a legislative intent that the ERDC play a role in coordinating data analysis for program evaluation purposes across the P-20 spectrum and across the array of state agencies responsible for discrete bands of the P-20 spectrum. The 2007 Educational Data bill establishing the ERDC was a comprehensive piece of legislation intended to promote the use of reliable data by policymakers for evaluation, accountability and improved instruction. Thus, even if the ERDC were not an authorized representative of OSPI, its legislatively defined role in statewide planning and coordinating might well qualify it as a state educational authority in its own right under the *Western Kentucky* analysis.

Therefore, it is reasonable to conclude that whether ERDC is characterized as an authorized representative of OSPI or a co-state educational authority with OSPI, OSPI may provide information collected under 34 CFR 99.31(a)(3) to the ERDC. *Provided*, it is important for the ERDC to recognize that under either analysis, it is bound by the prohibitions on re-disclosure under 34 CFR § 99.35. Therefore, I recommend that OSPI and the ERDC proceed with entering into a data-sharing agreement as contemplated in RCW 43.41.400(3).

**CONCLUSION**

The ERDC may justifiably be characterized as an authorized representative of OSPI or as a co-educational authority under FERPA. Either designation would allow it to receive information from the longitudinal data system maintained by OSPI provided the ERDC does not re-disclose the information and destroys it when no longer need for its intended purposes.

Although I can not speak for the FPCO, the foregoing represents my own analysis of how the FPCO would likely resolve the question under FERPA.

# Appendix I: Data Sharing Agreement Guidance

## Data Sharing Agreement Guidance[36]

The FERPA regulatory changes that were published on December 2, 2011 and effective on January 3, 2012 expanded requirements for written agreements. New enforcement mechanisms were implemented to help ensure program effectiveness, promote effective research, and increase accountability. Data sharing agreements are often referred to as contracts, memorandum of understandings, data exchange agreements, and written agreements.[37]

Section 99.35 (a)(2) states that FERPA permitted entities are responsible for using reasonable methods to ensure the protection of personally identifiable information.

Written data sharing agreements are required under the Audit/ Evaluation and Studies Exceptions:

***Section 99.31(a) (6) (iii) (C)* - Mandatory provisions for data sharing agreements under the Studies Exception:**

1. Specify the purpose, scope, and duration of the study and the description of information to be disclosed.
2. Require the organization to use personally identifiable information from education records only to meet the purposes of the study as stated in the written agreement. The personally identifiable information can only be used for the specific study that is identified in the agreement.
3. Require the organization to conduct the study in a manner that does not identify students or their parents. The organization should take steps to maintain confidentially by utilizing internal access controls and disclosure avoidance techniques.
4. Require the organization to destroy the personally identifiable information at the completion of the study, when the information is no longer needed for the purposes for which the study was conducted, or within the specified time period.

***Section 99.35 (a) (3)* - Mandatory provisions for data sharing agreements under the Audit/Evaluation Exception:**

1. Designate an individual or entity as an authorized representative.
2. Specify what personally identifiable information will be disclosed.
3. Describe the purpose for which the personally identifiable information is being disclosed. The agreement must state that the disclosure of personally identifiable information is for an audit, evaluation, or enforcement or compliance activity.

[36] Family Educational Rights and Privacy Act 34 CFR Part 99; Privacy Technical Assistance Center Written Agreement Checklist from May 2013; Privacy Technical Assistance Center Guidance for Reasonable Methods and Written Agreements; U.S. Department of Education Data Sharing Under FERPA from January 2013

[37] Styles, Campbell, Hawes, Rodriguez 2012

4. Describe the activity to ensure that it falls within the Audit/ Evaluation Exception. This should include a description of how the personally identifiable information will be used, including methodology.
5. Require that the authorized representative destroys the personally identifiable information when the information is no longer needed for the purpose specified.
6. Specify a time period in which the personally identifiable information must be destroyed.
7. Establish policies and procedures consistent with FERPA and other Federal and State privacy laws, to protect personally identifiable information from further disclosure and unauthorized use.

**Data sharing agreement best practices:**

- The most basic provision is to agree not to re-disclose. FERPA permitted entities may require that specific disclosure avoidance methods be applied.
- Agree on limitations on the use of personally identifiable information. The PII should only be used for the actives described in the agreements.
- Maintain the right audit, which allows you to monitor the entity to ensure the appropriate policies and procedures are in place.
- Have plans to handle a data breach that detail the expectations and responsibilities of all involved parties.
- Review and approve reported results prior to publication to ensure they reflect the original intent of the agreement.
- Define terms for conflict resolution by specifying procedures for how disputes between parities would be resolved.
- Outline modification and termination procedures, especially involving the improper handling of education records.
- Designate ownership of the personally identifiable information, specifically stating that disclosure of PII to an entity DOES NOT assign ownership.
- Identify and comply with all legal requirements, it is important to note that FERPA may not be the only law that governs your agreement.
- Mention IRB review and approval
- Include funding terms
- Specify point of contact

# Appendix J: Example Data Sharing Agreement

STATE OF MARYLAND
# OFFICE OF THE ATTORNEY GENERAL

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINFREE
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ELIZABETH H. TRIMBLE
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SUSAN M. CHERRY
CHIEF OF LITIGATION

DEPARTMENT OF LABOR, LICENSING AND REGULATION
500 N. Calvert Street • Suite 406
Baltimore, Maryland 21202-3651
(410) 230-6108 • Fax (410) 333-6503

Direct Dial (410) 230-6120

January 24, 2011

Margarita M. Cardona, MS, CRA
Director of Sponsored Research
University of Baltimore
1420 North Charles Street
Baltimore, Maryland 21201-5776

Re: Data Exchange Agreement between UB/JFI and DLLR

Dear Ms. Cardona:

Attached please find a fully executed copy of the Data Sharing Agreement between UB/JFI and DLLR for the SNAP program.

Sincerely,

Sarah P. Harlan
Assistant Attorney General

TTY USERS CALL MARYLAND RELAY 1-800-735-2258

**DATA EXCHANGE AGREEMENT**
**BETWEEN THE**
**MARYLAND DEPARTMENT OF**
**LABOR, LICENSING AND REGULATION, DIVISION OF UNEMPLOYMENT INSURANCE ("DLLR/DUI") AND**
**THE UNIVERSITY OF BALTIMORE JACOB FRANCE INSTITUTE ("UB-JFI")**

This Agreement is made this 19th day of January 2011 (the "Agreement"), between the Maryland Department of Labor, Licensing and Regulation, Division of Unemployment Insurance ("DLLR/DUI") and the University of Baltimore Jacob France Institute ("UB-JFI");

Whereas DLLR/DUI is the Agency in the State of Maryland responsible for administering the Maryland Unemployment Insurance Program;

Whereas DLLR/DUI maintains a data base of benefits paid to claimants as well as wage records reported by employers to DLLR/DUI;

Whereas, Title 8 Section 625 (d) of the Labor and Employment Article of the Maryland Annotated Code provides, in part, that claimant and employer records shall not be published or be open to public inspection, except to public entities in the performance of their public duties;

Whereas 20 CFR § 603.5(E) requires that a state Agency disclosing confidential Unemployment Compensation (UC) data to a public official to enter into an agreement with the public official which contains the requirements set forth in 20 CFR part 603.10 requires that the recipient of the data comply with all of the applicable requirements of 20 CFR part 603 and Maryland law regarding data security, confidentiality, and cost reimbursement;

Whereas UB-JFI is a part of the University of Maryland System and serves as a leading source of high quality statistical information and research covering the interaction of business, worker and government investment decisions;

Whereas UB-JFI has been awarded a competitive grant by the U.S. Department of Agriculture, Economic Research Service, to lead a five-state consortium to conduct research on the joint contributions of the Supplemental Nutrition Assistance Program (SNAP) and the Unemployment Insurance Program (UI) to participants and the nation's social safety net, with particular focus on the latest recession;

Whereas UB-JFI requires confidential UC information maintained by DLLR/DUI in order to conduct this analysis;

Now, therefore, in consideration of the mutual promises and covenants hereto, the parties agree as follows:

## I. Duties and Responsibilities of the Department of Labor, Licensing and Regulation

Upon receipt of social security numbers of SNAP participants from UB-JFI, DLLR/DUI will perform a one time cross match of those numbers against claim and wage information maintained in the DLLR/DUI database and forward the information to UB-JFI.

## II. Duties and Responsibilities of UB-JFI

### A. Confidentiality

UB-JFI agrees to protect the confidentiality of DLLR/DUI data and to ensure that all confidential UC information will be safeguarded, as required by 20 CFR Part 603 and Maryland law, against unauthorized access or re-disclosure. UB-JFI will, in regard to all data:

1. Use the disclosed data only in the performance of their official duties and for purposes authorized by law and consistent with this Agreement.

2. Ensure that the DLLR/DUI data will not be used or released in a way that discloses the identity of any employer or individual.

3. Store the data in a place physically secure from access by unauthorized persons.

4. Store and process the data in an electronic format that is secure from access by unauthorized persons.

5. Take precautions to ensure that only authorized personnel have access to the computer systems in which the data is stored.

6. Make the data accessible only to those UB-JFI employees who require the information in order to perform the tasks described in this agreement in the official performance of their job duties.

7. Provide a listing of the full names of all staff employed by UB-JFI who will have access to the DLLR/DUI data, attached as Attachment A to this Agreement.

8. Notify DLLR/DUI in writing of any change of personnel identified in Attachment A.

9. Instruct all staff with access to the data on the confidentiality requirements of this Agreement, the applicable Federal and State confidentiality requirements, and the sanctions specified by State and federal law for unauthorized disclosure of information and sign an acknowledgement that all personnel with access to the information will be so instructed. All individuals identified in Attachment A must sign a confidentiality agreement a sample of which is attached hereto as Attachment B. No other individuals will receive any confidential information.

10. Transmit the data by a secure method and encrypt all personally identifiable information (PII) during receipt, transmission, storage, maintenance, and use (with the understanding that some PII will be unencrypted during data processing).

11. Notify DLLR/DUI of any breach of security or system changes (hardware or software).

12. Destroy the data, according to procedures, if any, specified by the DLLR/DUI, when the evaluation is completed, with the exception of public use data files, which will be stripped of all personal identifiers.

13. Maintain a system sufficient to allow an audit of compliance with these safeguard provisions.

14. Give access to DLLR/DUI for on-site inspection to make sure that the requirements of the State's law and this Agreement are met. All costs for such inspections shall be the sole expense of UB-JFI.

15. Adhere to subsequent federal and State guidelines on data handling during all of the data.

If UB-JFI fails to comply with any provision of this Agreement, DLLR/DUI must, in accordance with 20 CFR 603.10(c), suspend the Agreement, and not make further disclosure until DLLR/DUI is satisfied that corrective action has been taken and there will be no further breach. In the absence of prompt and satisfactory corrective action, DLLR/DUI will cancel the Agreement, UB-JFI will surrender all confidential information (and copies thereof) obtained under the Agreement and any other information relevant to the Agreement.

To the extent practicable, Recipient shall mitigate any harmful effect on individuals whose information was accessed or disclosed in an incident that Recipient was responsible for.

This confidentiality provision shall survive the termination of this Agreement.

**B. Indemnify/Hold Harmless**

UB-JFI hereby agrees to indemnify and hold DLLR/DUI harmless for any actions, lawsuits or legal claims brought against DLLR/DUI due to negligence on the part of UB-JFI to the extent permitted by the Maryland Tort Claims Act, Title 12, Subtitle 1, State Government Article, Annotated Code of Maryland.

**III. Payment**

UB-JFI agrees to pay DLLR/DUI to cover the reasonable cost to DLLR/DUI of providing this information to UB-JFI. Based on the requirements provided to date, the one-time estimated cost for programming and testing is $8,640.00.

**IV. Term of Agreement**

This Agreement shall be effective when fully executed and, unless sooner terminated, shall continue through December 31, 2013.

**V. Termination**

This Agreement shall be terminated if:

1. The parties agree in writing or
2. One party serves upon the other a termination notice which shall be effective 30

days from the date it is mailed.

## VI. Notices

All Notices and correspondence sent pursuant to this Agreement shall be deemed valid if they are mailed first class, certified mail to:

1. Ms. Susan Bass
   Division of Unemployment Insurance
   1100 North Eutaw Street, 5th Floor
   Baltimore, Maryland 21201

   Telephone: 410-767-2468
   Email: sbass@dllr.state.md.us

2. Dr. David W. Stevens, Executive Director
   University of Baltimore
   Jacob France Institute
   1420 North Charles Street
   Baltimore, Maryland 21201

   Telephone: 410-837-4729
   Email: dstevens@ubalt.edu

## VII. Amendment

This Agreement may be amended as UB-JFI and DLLR/DUI mutually agree in writing. Except for a specific provision which may be amended, this Agreement shall remain in full force and effect after such amendment subject to the same laws, obligations, conditions, rules, provisions and regulations as it was prior to any amendment.

## VIII. Retention of Original Data

UB-JFI agrees to retain the original data files only for the period of time required to fulfill the explicitly stated purposes identified under Section II, but no longer than two years. At the expiration or termination of this Agreement, UB-JFI agrees to return all original

DLLR/DUI data to DLLR/DUI.

**IX. Third Party Disclosure Requests**

UB-JFI agrees to notify DLLR/DUI immediately of any third party requests, subpoenas, or judicial orders relating to DLLR/DUI data that has been released to UB-JFI. UB-JFI agrees not to release any DLLR/DUI data without the express written approval of DLLR/DUI, unless so ordered by a court. UB-JFI agrees to cooperate with DLLR/DUI in opposing disclosure of DLLR/DUI provided data that DLLR/DUI determines is information protected from disclosure under the law.

**X. Reports**

UB-JFI agrees to furnish DLLR/DUI with complete copies of any and all final reports or studies prepared with or through the disclosure of DLLR/DUI data.

**XI. Governing Law**

This Agreement shall be governed and construed in accordance with Maryland Law.

IN WITNESS HERETO, the PARTIES have executed this Agreement by their duly authorized officials:

**WITNESS:**

**For Maryland Department of Labor, Licensing and Regulation**

By: Julie Ellen Squire

Name: Julie Ellen Squire

Title: Assistant Secretary

Date: 1/19/2011

**WITNESS:**

**For The University of Baltimore, Jacob France Institute**

By: _____

Name: Joseph S. Wood

Title: Provost

Date: 1/4/2011

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY

_____

Assistant Attorney General

# Appendix K: Trust Behavior Assessment Tool

**Trust Behavior Assessment Tool**[38]

| Dimension | Behavior | Response Scale (SD=1, SA=5) | | | | |
|---|---|---|---|---|---|---|
| 1.Discretion in actions | Group members respect confidentiality. | SD | D | N | A | SA |
| 2.Consistency between word and deed | There is a clear commitment to complete actions or deliverables as agreed upon. | SD | D | N | A | SA |
| 3.Frequent and rich communication | There is routine communication between groups. | SD | D | N | A | SA |
| 4.Collaborative communication | There is mutual respect among group members and thoughtful consideration of their ideas. | SD | D | N | A | SA |
| 5. Fair and transparent decisions | Data sharing policies are applied in a consistent and transparent manner. | SD | D | N | A | SA |
| 6. Shared vision | Partners establish common project goals | SD | D | N | A | SA |
| 7. Accountability | Key trust values are expressed and reinforced within the group | SD | D | N | A | SA |
| 8. Personal connections | Group members share quality connections | SD | D | N | A | SA |
| 9. Giving away something of value | Networks and resources are shared among group members | SD | D | N | A | SA |
| 10. Expertise and limitations disclosure | Group members candidly assess their expertise and admit their limitations | SD | D | N | A | SA |

[38] Adapted from Abrams, Cross, Lesser, and Levin (2003)