

REL PACIFIC ASK-A-REL RESPONSE

Preapproving Researchers or Identifying Preferred Researchers to Use SEA Data May 2012

INQUIRY

What are criteria and/or models for preapproving researchers or identifying preferred researchers to use SEA data?

In response to this inquiry, the REL Pacific Reference Desk at McREL, located in Honolulu, HI, conducted a search of education research databases and resources.

SEARCH TERMS

Preapproved researchers; preferred researchers; data users; educational data; data use agreements; statewide longitudinal data systems; use of student data; memoranda of understanding; data use approval processes; approval policies; research approval; how to preapprove researchers; institutional review board(s); existing data; and data sharing.

The researcher reviewed the initial search results and followed links on the resulting websites, as appropriate. The researcher also sent a specific request to the National Library of Education, seeking literature on and/or examples of preapproval processes for use of education data.

DATABASES SEARCHED

Google; Institute of Education Sciences; National Center for Education Statistics; National Forum on Education Statistics; Data Quality Campaign; ERIC; National Library of Education

Resources identified in the search are listed below. The hyperlink to each resource is provided. Descriptions of programs and articles have been reproduced verbatim from their respective websites or abstracts.

REVIEW

The following review of the search is provided by REL Pacific. The information in this section is not research-based and should only serve as an overview of the search results that were found.

REL Pacific was unable to find information and examples related specifically to preapproval of researchers to use existing data within the field of education. A National Library of Education researcher shared that she was not aware of any institutions that do this and that such a practice would be difficult to conduct within the limits and guidelines of FERPA and organizations' Institutional Review Board (IRB) (or other human subjects review) requirements (Pollard, E., personal communication, April 12, 2012).

REL Pacific reviewed a draft of the Forum Guide to Support Data Access for Researchers: A State Agency Perspective by the National Forum on Education Statistics (2012). This Guide, to be released

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publically in June 2012, recommends “a set of core practices, operations, and templates that can be adopted and adapted by SEA’s as they consider how to respond to requests for data” (p. 5). Specific criteria for preapproving researchers are not included in this Guide; however REL Pacific would like to note this as a potential resource to aid in the further development of a datasharing process.

Most SEAs that were identified in the search do provide aggregated, deidentified data to the public via their websites (such as Colorado’s SchoolView at <http://www.schoolview.org/> or California’s Data and Statistics at <http://www.cde.ca.gov/ds/>). Requests for access to existing restricted data (such as those containing potentially identifiable information) appear to be subject to IRB and/or other intensive reviews prior to an SEA granting access. All of the review processes that were identified in this search rely on the research project parameters, not the researchers’ backgrounds or skills, in considering who should be provided access to the data.

Some states, such as Texas and North Carolina, partner with local universities to compile and provide access to the SEA’s (and, often, other educational) data. These states grant access to those data based, in part, on successful submission of research project outlines. In all cases found, prospective researchers were required to complete confidentiality and data use agreements.

Some states have additional requirements for prospective researchers and research projects. For example, North Carolina requires that the researcher be a representative member of a subset of types of institutions or a doctoral student, but all research is subject to approval of the study prior to the granting of data access. Some data holders, such as Texas, also require internal board approval of all completed study documents before they can be submitted for publishing, to ensure that the privacy of students and their families is maintained.

The information that is provided in this document 1) outlines the processes in Texas and North Carolina, as examples of comprehensive educational data provision processes, 2) provides a short list of articles and handbooks on educational data use nationwide, and 3) provides links to some data use and confidentiality agreements in use in some states.

EXAMPLES

North Carolina Education Research Center at Duke University

www.childandfamilypolicy.duke.edu+project_detail.php?id=35

This ongoing project was established in 2000 through a partnership with the N.C. Department of Public Instruction to store and manage data on the state's public schools, students and teachers. The data, which include information dating back to the mid 1990s, is available to university researchers and nonprofit research institutions and government agencies. The North Carolina Education Research Data Center is a unique portal to an immense store of data from the [North Carolina Department of Public Instruction \(DPI\)](#) and other agencies, such as the [National Center for Education Statistics \(NCES\)](#). Researcher Eligibility From the [Data Use Application and Agreement](#):

- Receiving institutions must:
 - Be an institution of higher education or a research organization (nonprofit), or a government agency located within the United States;
 - Have a demonstrated record of using sensitive data according to commonly accepted standards of research ethics; and

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- Have an established Institutional Review Board/Human Subjects Review Committee or equivalent institutionlevel body to review research proposals using sensitive data.
- Doctoral students must:
- Be enrolled in a doctoral program at an eligible institution;
- Submit a proposal and complete all steps indicated in the Data Use Agreement; and
- Have a faculty member sponsor that proposal by writing a letter of support, indicating that the faculty member assumes responsibility for data security as stated in the Data Use Agreement.
- Due to resource constraints, students may have access only to existing datasets. The Data Center will not customize data for dissertation research.

Process for Approval

From the [Data Use Application and Agreement](#): Applicants must provide to the Data Center a written description of the research project including: an abstract, research questions, primary methodology, categories of variables to be used, and plans for use of the results of the research, including plans for publication. The research plan should specify the time frame for analysis of the data, as well as the benefits to the Data Center. If the project requires labor from the Data Center beyond providing existing data sets (e.g., creating customized data sets), these activities must be described and justified in the proposal.

Most proposals are 510 pages long. The abstract (approx. 250 words) should include the title of the project, names of investigators, and funding source (or proposed funding source). The abstract should state the goals of the project and the Data Center's role in meeting those goals. Proposals should include the data request form.

Applicants must also provide:

- A Data Security Plan
- Receiving institution's Institutional Review Board approval
- A completed Data Use Agreement
- Procedures for obtaining data
- Data use application and agreement
- Confidentiality agreement for investigators
- Confidentiality agreement for staff
- Data security guidelines
- Disclosure and destruction form
- Data request form

Forms_Page links at www.childandfamilypolicy.duke.edu+project_detail.php?id=35 include:

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Texas Education Research Center

<http://www.utaustinerc.org/>

The Education Research Center (ERC) at The University of Texas at Austin is a virtual research center that enables scientific inquiry and data-driven policy analysis through a clearinghouse of statewide information. Created by legislative mandate in 2006, the Texas ERC is an independent, nonpartisan, and nonprofit organization focused on generating data-based solutions for Texas education and workforce demands. The goal of the Texas ERC is to supply policymakers, opinion leaders, the media, and the general public with academically sound research surrounding today's critical education issues.

Education Research Centers

<http://www.tea.state.tx.us/index2.aspx?id=8067>

In 2006, the 79th Texas Legislature, 3rd Called Session, authorized the creation of three ERCs. The purpose of the three state-sponsored ERCs is to conduct research that benefits education in Texas. Research can occur on state and federal education programs, the performance of educator preparation programs, public school finance, best practices in classroom instruction, bilingual education programs, special language programs, and school district business practices.

ERC data are accessed through three Educational Research Centers and several remote sites across Texas.

1. ERC at University of Texas at Austin
2. ERC at University of Texas at Dallas
3. ERC at Texas A&M University at College Station

Researcher Access

<http://www.utaustinerc.org/?sid=5&pid=52#s2>

Researchers log into the Texas ERC through a University of Texas Electronic Identity (UT EID), which provides individuals with a user account and password that meets the statutory strength requirements for public agencies in Texas. Researchers who are employees or students of The University of Texas at Austin are expected to use their current UT EIDs. Researchers from other campuses may apply for a guest UT EID (see [UT EID application page](#)). Entry into the Texas ERC must always be gained through a researcher's own account. Under no circumstance may a researcher log into the Texas ERC under another researcher's account or allow another researcher to log in through their account.

Access to the Texas ERC data warehouse is accomplished through the use of approved client workstations installed in secure locations at The University of Texas at Austin and consortium university campuses. A list of all restrictions and controls on the workstations is available at:

<http://www.utaustinerc.org/?sid=5&pid=52#s2>

Joint Advisory Board

<http://www.tea.state.tx.us/index2.aspx?id=8218>

Texas ERC data may be used only for research projects that have been specifically approved by the Joint Advisory Board (JAB) and for investigative and analysis tasks upon direction by one or both JAB commissioners.

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The Joint Advisory Board consists of the Commissioner of Education, the Commissioner of Higher Education, and 10 experts in education or educational research. The main responsibility of the Joint Advisory Board is to review, approve, and exercise oversight of ERC-conducted research projects that use confidential data contained in the ERC data warehouse.

Review and Release Process

<http://www.utaustinerc.org/?sid=5&pid=53>

The Texas ERC data warehouse contains private information about individuals. The release of data from the research center must not reveal or compromise the identity of those individuals. To ensure protection of this information and compliance with FERPA requirements, all research results and products (reports, summaries, presentations, proposals, etc.) must be reviewed by the Director or Associate Director of the Texas ERC before their release.

Researchers must submit requests for data review and approval in writing, either through email or printed letter. All requests for and results of the review and release of such data are logged. Under normal circumstances, the review will be completed in three to seven working days. If a researcher requires more immediate action, he may attempt to negotiate a more expedient review directly with the research center.

Forms

<http://www.utaustinerc.org/?sid=5&pid=52>

- Confidentiality Agreement
- Interagency Cooperation Contract

ARTICLES

Articles pertaining to preapproving researchers to use education data were not available. The following documents provide information on educational data use in some states and some practices suggested by leading organizations in the field of education data.

Data Quality Campaign. (n.d.) Texas Education Agency utilizes differentiated confidentiality agreements to ensure the protected use of student information. Washington, DC: Author. http://www.dataqualitycampaign.org/resources/field_profiles/confidentialityagreements_designedtoprotecttheprivacyofstudentdata

“The Texas Education Agency (TEA) developed procedures for protecting Personally Identifiable Information (PII) that is collected and maintained by the state education agency. TEA employees, other government employees and agents retained by the agency for services who wish to access data containing PII must first submit a completed Access to Confidential Information proposal. A Confidentiality Officer within the Office of Legal Services approves requests along with a signed Memorandum of Understanding or Agreement. The state’s differentiated confidentiality agreements are completed after the approval of an MOU with another state agency is signed or an agent is awarded a contract. The confidentiality agreements comply with FERPA regulations while allowing limited access to data. These procedures ensure confidential student information is protected. Researchers not contracted by the agency for

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services submit research proposals to a joint advisory board who approve research projects conducted through the Education Research Centers at UT Austin, UT Dallas and Texas A&M Universities.”

Data Quality Campaign. (n.d.) Kansas tracks data use by employees and researchers to protect data privacy. Washington, DC: Author.

http://www.dataqualitycampaign.org/resources/field_profiles/kansastracksdatausebyemployees-andresearcherstoprotectdataprivacy

“The Kansas State Department of Education (KSDE) has developed policies to track and monitor access to data in the state data system. KSDE requires agency staff to complete a form requesting access to any data set or application which contains restricted use data, specifying the reason access is required. The request must be signed off by the supervisor, data owner, and IT Director. A data set of all requests granted is maintained, and periodic reports are provided to data owners of current agency personnel who have access to personally identifiable student information through authenticated logon to applications (which they may have for support or program management purposes) as well as direct link to databases or data sets (which may be the case for programmers and dbas). This is done so that the department can track the intended use and request date for the information accessed by the SEA staff.”

Data Quality Campaign. (n.d.) Montana’s confidentiality policy protects confidential student data through policies and procedures. Washington, DC: Author.

http://www.dataqualitycampaign.org/resources/field_profiles/confidentialityagreements-designedtoprotecttheprivacyofstudentdata

“The Montana Office of Public Instruction (OPI) has developed strict confidentiality agreements listing clear guidelines for different users who want access to confidential, studentlevel data and personally identifiable information (PII) housed in the state Achievement in Montana (AIM) system. The policy focuses on creating regulations for securing confidential student data, who can gain access to it and the relationship between OPI and the user.”

Data Quality Campaign. (n.d.) Mississippi’s confidentiality agreement works to ensure security for all those using state data. Washington, DC: Author.

http://www.dataqualitycampaign.org/resources/field_profiles/confidentialityagreements-designedtoprotecttheprivacyofstudentdata

“The Mississippi Department of Education (MDE) has developed a binding agreement for anyone using, analyzing or evaluating data to explain their responsibilities regarding security and confidentiality. This agreement creates understanding between MDE and its employees, researchers, thirdparty contractors and other state employees about the sensitive and confidential nature of the information in the student record which must not be disclosed without specific, limited legal permission.”

Data Quality Campaign. (n.d.) Kansas’ data governance program helps protect data security, privacy, and quality. http://www.dataqualitycampaign.org/resources/field_profiles/kansassdatagovernance-programhelpsprotectdatasecurityprivacyandquality

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“As Kansas began shifting from collecting aggregated to student level data in 2005, state education officials recognized the need to establish and enforce policies and provide guidance for the individuals and processes involving data. Meanwhile, the U.S. Department of Education had established the Education Data Exchange Network (EDEN) (now ED Facts) a centralized reporting process through which all states must electronically submit required data. The Kansas State Department of Education charged a new task force to develop a data management strategy to address many issues including responding to federal reporting mandates, and managing data requests, access and security. The task force leveraged EDEN requirements as an opportunity to create a data governance program, centralizing the business processes around EDEN reporting and clearly defining the individual roles needed to ensure seamless compliance.”

Massachusetts Department of Education. (2009). *Researcher’s guide to Massachusetts education data*. Boston, MA: Author.

<http://www.dataqualitycampaign.org/files/researcher's%20guide%20to%20MA%20ed%20data%20%20august%202009%20%20redacted.pdf>

“This guide for researchers provides information on the availability of state education data, the process for requesting access, and the nuances of student information system and state assessment data. By providing this guide to researchers, the Massachusetts Department of Elementary and Secondary Education helps researchers to produce more valid, reliable results and builds trust around the use of state education data.”

National Forum on Education Statistics. (2010). *Forum Guide to Data Ethics (NFES 2010–801)*.

U.S. Department of Education. Washington, DC: National Center for Education Statistics.
<http://nces.ed.gov/pubs2010/2010801.pdf>

“A MOU typically establishes the framework for collaboration, intended outcomes, audiences, and the purposes for which data will and will not be used. It may also describe ownership of resources, confidentiality aspects, and conditions for proper release of data (if any). A MOU may also specify the responsibilities of the parties coordinating the data collection, and any fees associated with collecting, compiling, and transmitting data. The document may also specify any timelines to be met (p.39).”

ADDITIONAL RESOURCES

Resources specific to preapproving researchers to use education data are not available. The following links provide forms, agreements, and firstperson descriptions of how outside researchers are able to use education data in some states.

Compiled Data Access and Use Agreements

<http://nces.ed.gov/programs/slds/LDSShare/DocumentDirectory/DataAccessUse/AgreementsPolicies/CompiledDataUseAgreements.doc>

“This document compiles data access and use agreements from Kansas, Oregon, Oklahoma, Illinois, Missouri, and Louisiana provided via the NCES Forum listserv.”

Maine Data Sharing Agreement for Sharing Data with Outside Researchers

http://nces.ed.gov/programs/slds/LDSShare/DocumentDirectory/NewDocuments/7273_mereseach_mou.doc

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“Maine has a fairly stock data sharing agreement we use with outside researchers. Maine has virtually identical agreements with many University agencies. This document contains an example of an agreement with a university agency.”

Memorandum of Understanding: Responsibilities and Principles for Sharing and Using P20 and Workforce Data

http://nces.ed.gov/programs/slds/LDSShare/DocumentDirectory/NewDocuments/7415_washington_mou_for_sharing_and_using_p20_and_workforce_data.doc

“The purpose of the Washington P20 and workforce data system is to increase understanding of educational programs and outcomes and relationships to employment programs and outcomes. The system links education and workforce sectors and focuses on the transitions between these sectors. It provides unique opportunities for collaboration among the partner agencies to work together. This MOU memorializes agreed principles by the partner agencies concerning how data will be contributed and shared and sets forth some responsibilities of the data recipients, whether they are partner agencies contributing data or other requestors.”

Using SLDS Data – Working with Researchers (WebEx Webinar)

<http://nces.ed.gov/transfer.asp?sec=true&location=edinfoevents%2Ewebex%2Ecom%2Fedinfoevents%2F1sr%2Ephp%3FAT%3Dpb%26SP%3DEC%26rID%3D4568852%26rKey%3D1feec06a4f42d5c6>

“Kansas' Kathy Gosa shares information regarding how states can work collaboratively with external researchers, what states need to consider when providing LDS data to external resources, and how states can build their internal capacity to conduct research and analyses on their own data.”

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