



MEMORANDUM

TO: MLDS Governing Board
FROM: Ross Goldstein
DATE: February 26, 2017
SUBJECT: Final MLDS Policies and Procedures for External Researcher Projects

Purpose

The purpose of this agenda item is to present to the MLDS Governing Board the final version of the Center's comprehensive procedures for the appointment and management of external researchers as *Authorized Staff of the Center*. As authorized staff of the Center, the researcher will be able to conduct research using the System to improve the State's education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals.

Background

At the December 2017 Governing Board meeting, MLDS Center Staff presented the *Policies and Procedures for External Researcher Projects* to the Governing Board for their review. Given the scope and importance of the procedures, the Governing Board requested the opportunity to review and formally approve the bylaws at the next meeting.

Final Version

The Governing Board provided feedback and comments at the December 2016 meeting that have been incorporated into this final version.

1. Section 2.2B has been updated to clarify that projects will not move forward unless the external researcher successfully completes all steps necessary to become authorized staff of the Center.
2. Section 4.3 has been changed to provide more time for the various stages of the application review process.
3. Section 4.4 is modified to allow the Executive Director the ability to delay the start of a project due to the Center's workload.
4. Section 9.1A was changed to clarify that while researchers must perform suppression analysis and data masking in compliance with applicable privacy laws; it is the *responsibility* of the Center to ensure that it is correct before data is released from the system (*see also* Section 9.2B).
5. Section 9.4 was changed to provide more time for the Center to review research output before it is submitted for presentation or publication.
6. Section 9.5 was changed to clarify that system access is cut off when the project is complete. Staff authorization will be rescinded within one year of the completion of the project. Allowing the staff appointment to remain for a period of time after the project is complete will allow a researcher the ability to be re-granted system access in the event the researcher needs to make corrections.

In addition to the edits described above, Dawn O’Croinin completed the *Restricted Use Data Agreement* (RUDA) that must be signed by the external researchers. The RUDA has been shared with each partner agency’s Assistant Attorney General. The RUDA is included with the external research procedures.

Action

Review and approval



MLDS CENTER

Maryland Longitudinal
Data System

Better Data • Informed Choices • Improved Results

Policies and
Procedures
for External
Researcher
Projects

Maryland Longitudinal Data System Center
550 West Baltimore Street
Baltimore, MD 21201

Larry Hogan
Governor

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Secretary of Higher Education,
Chair, MLDS Governing Board

Ross Goldstein
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Contents

- 1. Introduction 1
 - 1.1 Overview 1
 - 1.2 Definitions 2
 - 1.3 Applicability..... 2
 - 1.4 Limitation 3
 - 1.5 Overview of Relevant State and Federal Laws..... 3
- 2. Research Proposal..... 3
 - 2.1 Contents of Research Proposal 3
 - 2.2 Formal Research Proposal 4
 - 2.3 Identifying Data Needed for Proposed Research 5
- 3. Reimbursement of Costs..... 5
 - 3.1 Center Costs 5
 - 3.2 Waiver Request 6
 - 3.3 Grant Funded Projects 6
 - 3.4 Special Funded Projects 6
- 4. Review Process..... 6
 - 4.1 MLDS Center Internal Review 6
 - 4.2 Review by Research and Policy Advisory Board..... 7
 - 4.3 Timeline..... 7
 - 4.4 Notification 7
- 5. Restricted Use Data Agreement (RUDA)..... 7
- 6. Institutional Review Board (IRB) Approval..... 8
- 7. Access to the MLDS..... 8
 - 7.1 Staff Authorization and Access Procedures 8
 - 7.2 Training 8
- 8. Conducting Research 9
 - 8.1 Data Request..... 9
 - 8.2 Data Usage 9
 - 8.3 Workstations..... 10
 - 8.4 Statistics Programs available on Workstations..... 10
 - 8.5 Progress Updates 10

8.6 Research Project Approval Period & Extensions.....	10
8.7 Project Amendments	10
9. Conclusion of Research	11
9.1 Suppression.....	11
9.2 Release of Research Products.....	11
9.3 Center Product Review	12
9.4 Further Developed Works.....	13
9.5 Removing Access.....	13
Appendices.....	13

1. Introduction

1.1 Overview

- A. State law directs the Maryland Longitudinal Data System (MLDS) Center to conduct research that will improve the State’s education system and guide decision making by State and local governments, educational agencies, institutions, teachers, and other education professionals. (Md. Code, Ed. Art. §24-703(f)(4) and (5)).
- B. The data in the System may only be used for the following purposes:
 - i. The audit and evaluation of State and federal education programs;
 - ii. The performance of educator preparation programs; and
 - iii. Best practices regarding classroom instruction, education programs and curriculum, and segment alignment.
- C. Only authorized staff of the MLDS Center may access the data in the System. Researchers who are authorized staff of the MLDS Center may only utilize de-identified data to conduct research. Only de-identified, aggregate data may be released in reports and analysis. To support the research directives and the mission of the MLDS Center, the Executive Director may designate researchers as authorized staff of the Center (COMAR 14.36.06.01.C(2)(2)(iii)).
- D. The procedures outlined in this document identify how a researcher may be designated as authorized staff of the Center. This document governs how a researcher shall conduct research using the System on topics specified by State statute, the MLDS Research Agenda, and/or which otherwise support the mission of the MLDS Center in conformity with applicable State and federal laws.
- E. A researcher who wants to utilize data from the MLDS must develop and submit a proposal to the MLDS Center. **If the proposal is approved, the researcher must complete the Center’s Restricted Use Data Agreement, a security background check, non-disclosure agreements, IRB and reporting requirements.** The full process includes the following steps. Each of these steps is outlined in the remainder of this document.
 - i. Research Proposal and Application
 - ii. Review Process
 - MLDS Center Internal Review
 - Research and Policy Board Review
 - Final Determination
 - iii. Restricted Use Data Agreement
 - iv. Institutional Review Board (IRB) Approval
 - v. Access to the MLDS
 - vi. Conduct Research
 - vii. Conclusion of Research
- F. Applicants are encouraged to contact the MLDS Center (mlds.center@maryland.gov) prior to submission to ensure a successful proposal.

1.2 Definitions

- A. *Aggregate data* means data that is compiled into data summaries to ensure individual student or worker data cannot be identified.
- B. *Cross Sector Research* means research on what happens to students before and after critical transitions and that utilizes data from, at minimum, two of the three partner agencies of the MLDS Center.
- C. *De-identified data* means data in which personally identifiable information has been removed.
- D. *Executive Director* means the Executive Director of the MLDS Center, or the Executive Director's designee.
- E. *External research project* means a project that is not currently aligned with the Center's research priorities.
- F. *External Researcher* means any researcher not part of the MLDS Research Branch.
- G. *MLDS Research Staff* means a permanent member of the Research Branch funded in the annual budget as part of the Memorandum of Understanding between MLDS Center and the University of Maryland, School of Social Work. Research Branch staff includes graduate and postdoctoral students working under the direction of Research Branch staff.
- H. *MLDS Project* means a project that is aligned with a Center research priority, falls under the research agenda, and is conducted by a current member of the Research Branch.
- I. *Partner Agencies* means the state agencies that provide the majority of the data to the MLDS, including the Maryland Department of Labor, Licensing and Regulation, the Maryland State Department of Education, and the Maryland Higher Education Commission.
- J. *Qualifying Institution* means an institution that provides unit record data to the Maryland Higher Education Commission.
- K. *Research Applicant (RA)* means a researcher or team of researchers applying to access and use MLDS data pursuant to these procedures or, as indicated by context, a researcher who received access to use MLDS data and is working on a project under these procedures.
- L. *Research and Policy Advisory Board (RPB)* means the Executive Director's advisory Board established to ensure ongoing input and participation from key stakeholders in the MLDS Center's research and policy agenda, related output and general operations.
- M. *Unit-record data* refers to any information collected and maintained in the MLDS on individual students or workers.
- N. *Visiting Research Branch Staff* means a member of a University System of Maryland institution who has been appointed to the research staff by the Executive Director and is working on a specific, limited engagement project.

1.3 Applicability

The procedures and requirements established in this document are applicable to:

- A. An external researcher; or
- B. Any researcher seeking to use MLDS data for an external research project or a grant funded research project.

1.4 Limitation

- A. An application submitted under these procedures will only be accepted from staff or faculty from a qualifying institution.
- B. Staff or faculty from a non-qualifying institution may partner with staff or faculty from a qualifying institution to submit an application under these procedures.

1.5 Overview of Relevant State and Federal Laws

The relevant state and federal laws that restrict access to the data contained in the Maryland Longitudinal Data System and the privacy of the personally identified information maintained in the System are detailed below:

- A. Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) provide for the security and privacy of students' personal identifiable data;
- B. National Research Act (1974);
- C. Education Article, §24-703(f)(4) and (5), Annotated Code of Maryland, identifies types of research that may be conducted using data from the MLDS;
- D. Education Article, §24-703(g), Annotated Code of Maryland, restricts access to data in the Maryland Longitudinal Data System to authorized staff of the Center;
- E. COMAR 14.36.06.01(C)(2)(iii) established the appointment of additional researchers as authorized staff to provide additional analysis in furtherance of the Center's functions and duties as specified in Education Article, §24-703(f)(4) and (5), Annotated Code of Maryland; and
- F. COMAR 13A.08.02 ensures confidentiality and privacy in regard to the disclosure of information contained in Maryland State Department of Education student records to outside agencies.
- G. The laws administering the Federal State Unemployment Insurance Program (UI)(20 CFR Part 603) governs the privacy and security of workforce data and the MLDS Center's use of that data in the performance of the agency's statutory duties.

2. Research Proposal

2.1 Contents of Research Proposal

- A. All Research Applicants (RAs) must complete an [MLDSC External Researcher Application](#).
- B. The MLDS Center External Research Proposal & Application ([Appendix 1](#)) includes the most frequently asked questions from the MLDS Governing Board, Research and Policy Advisory Board (RPB), and MLDS Center staff. Additional information on each of the parts of the Application are included in Appendix 1.
- C. The following documents must be uploaded at the time the application is submitted:
 - i. Complete [MLDSC External Researcher Application](#);
 - ii. Formal Research Proposal (See [2.2 Formal Research Proposal](#) below);
 - iii. Curriculum vitae for the RA who will serve as the principal investigator for the project;
 - iv. IRB documentation or statement of exemption, if available at the time of the application;
 - v. Data Request Template; and

- vi. Grant Application Checklist, if applicable.

2.2 Formal Research Proposal

- A. A formal research proposal must be submitted as part of the application. Proposals should be no longer than 15 pages in length, excluding references. The formal proposal may take the format most suited to the RA. The formal proposal should expand on and fully explain the information included in the application. A complete research proposal will include the following:
 - i. A title page with the project title, the name of the RA who will serve as the principal investigator, and the date of submittal;
 - ii. An abstract;
 - iii. A descriptive narrative of the research;
 - iv. Problem or issue under consideration;
 - v. A detailed explanation of how the research:
 - Aligns with the [MLDS Research Agenda](#);
 - Evaluates a state or federal education program;
 - Is cross-sector research; and
 - Provides a benefit to the State of Maryland;
 - vi. A clear research question or hypothesis;
 - vii. Description of the methods and procedures proposed;
 - viii. The RA's available resources, such as staffing and funding;
 - ix. A description of a Center product and plans for further developed works (see *B. Center Product* and *C. Further Developed Work* of this section); and
 - x. A timeline for completing the project.
- B. Center Product
 - i. As stated in section 1.5D, Maryland law restricts access to data in the MLDS to authorized staff of the Center. Accordingly, no project will move forward unless the RA successfully completes all required steps for becoming staff of the Center. As staff of the Center, the work conducted must be work for the Center. All proposed research conducted by an RA pursuant to this document must result in a product for the Center.
 - ii. The Center product may take on many forms. Center staff will assist the RA in selecting the most appropriate form for the Center product. Some examples include:
 - A series of tables and graphs developed for a dashboard in conjunction with Center staff;
 - A public presentation through the MLDS Research Series, or
 - A summary report of the research and findings.
 - iii. The Center product must:
 - Convey in non-technical language the original research question, the results and analysis of the completed research, and implications for policy makers or practitioners;
 - Include an identified audience; and
 - A method for dissemination.
 - iv. The Center product is derived from the research conducted pursuant to the research

proposal, but does not have to report on all facets of the research conducted. For example, the RA may conduct in depth preliminary analyses and statistical tests to determine the best method to use for the research and the appropriateness of the method. The Center product may include a brief description of the method chosen and the findings. The explanation of the preliminary analyses and appropriateness of the method does not necessarily need to be included in the Center product.

C. Further Developed Work

- i. The Center product must be submitted prior to the further development of the research product.
- ii. The further developed works occur after System access is terminated and, therefore may only utilize aggregate, de-identified data sets that were developed as part of the work for the Center product.
- iii. The researcher may further develop the research for purposes such as writing a paper, journal article, or dissertation using the research conducted pursuant to the research proposal and consistent with the main research question in the original research proposal.
- iv. The further developed work may include an in-depth discussion of the research on the topic, the statistical methods utilized, why the methods were chosen, what the findings are and how the findings advance scholarship in the field.
- v. The further developed work may not utilize new or different data or analyses other than what was created for the Center product.

2.3 Identifying Data Needed for Proposed Research

- A. Prior to submitting a research proposal, RAs are strongly encouraged to determine if the Center has sufficient data for the intended research. To do this RAs should:
 - i. Use the following links to the MLDS Data Inventory and information from the MLDS partner agencies to understand the data elements:
 - MLDS Data Inventory: <https://mldscenter.maryland.gov/DataInventory.html>
 - MHEC Data Dictionary: <https://community.datacookbook.com/institutions/mhec>
 - MSDE Maryland Report Card: <http://reportcard.msde.maryland.gov/>; or
 - ii. Contact Center staff.
- B. Once the RA has determined that the Center has sufficient data for the RA's intended research, the RA must identify data for the proposed research using the [Data Request Template](#).
- C. The data identified on the RA's *Data Request Template* must be consistent with the research proposal.

3. Reimbursement of Costs

3.1 Center Costs

- A. To facilitate a new research project, the Center will incur costs for security background checks,

system access, compiling a data set for research, support, monitoring, review of materials to ensure data suppression guidelines are appropriately applied, and technical and subject matter assistance and review.

- B. To offset these costs, the Center will provide the RA with an estimate of costs using the MLDS Fee Schedule ([Appendix 2](#)) that the RA will be required to reimburse to the Center if approval of the application is given.

3.2 Waiver Request

A RA may submit a request to the Executive Director to have reimbursement of costs waived for the proposed research project. The Executive Director, in consultation with the RPB and consistent with the criteria provided on the Fee Schedule, may waive all or a part of the costs.

3.3 Grant Funded Projects

A grant funded project must include the MLDS Center costs as a line item in the grant budget.

3.4 Special Funded Projects

If the proposal has special conditions with funding, please include the conditions in the research proposal.

4. Review Process

4.1 MLDS Center Internal Review

- A. MLDS Center staff will review the External Research Application and supporting materials submitted to the Executive Director to determine whether the research proposal meets the following criteria:
 - i. Includes a complete MLDS Center External Research Application;
 - ii. Is a cross-sector analysis;
 - iii. Relates to the audit or evaluation of a State or federal education program;
 - iv. Aligns to the [MLDS Research Agenda](#);
 - v. Provides 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;
 - vi. Contains clear and concise research questions or hypotheses;
 - vii. Applies appropriate and rigorous analysis and research methodologies;
 - viii. Seeks to use data that aligns with the research request;
 - ix. Presents a unique topic that does not duplicate research already completed or underway by the Center's Research Branch or an external researcher;
 - x. Demonstrates that the RA has the research background, experience, and qualifications to successfully complete the proposed research; and
 - xi. The topic of the study provides a benefit to the State.
- B. After the internal review, the Executive Director will either:
 - i. Refer the application to the RPB for review and input;
 - ii. Reject the application because it does not meet the above criteria; or

- iii. Respond with additional questions, suggested edits, or requests for clarification.

4.2 Review by Research and Policy Advisory Board

- A. The RPB will review the application at its next scheduled monthly meeting.
- B. The RA is encouraged to attend the meeting, make a brief presentation on the proposed study, and answer questions from the RPB members.
- C. The RPB will make a recommendation to the Executive Director on whether to accept, reject, or request a revision to the proposal.

4.3 Timeline

- A. The internal review process (4.1A) will be completed within 21 days of receipt of the completed proposal from the RA.
- B. The executive director will make the determination under 4.1B within 10 days of receiving the internal review whether to continue with the proposal.
- C. If the executive director continues with the proposal, the proposal will be referred to:
 - i. Counsel and subject matter experts for the partner agencies for review and comment; and
 - ii. The RPB for review at its next scheduled meeting that is at least two weeks from the date the proposal is sent to RPB members.
- D. After input from counsel, subject matter experts from the partner agencies and RPB members, the Executive director will make a determination within five business days whether to continue with the application and seek:
 - i. Governing Board approval at its next scheduled meeting; or
 - ii. Approval of the Chair of the Governing Board if a final determination is needed prior to the next scheduled Governing Board meeting.

4.4 Notification

- A. The Executive Director will provide written notice to the RA informing the RA that the project has been accepted or rejected..
- B. If the project has been accepted, the Executive Director and the RA will establish a project start date that:
 - i. Commences as soon as practical after approval has been granted; or
 - ii. Is delayed up to six months:
 - At the discretion of the Director, due to Center workload; or
 - At the request of the RA, due to funding issues or other constraints.
- C. Project approval will be rescinded after six months if the project has not started.
- D.

5. Restricted Use Data Agreement (RUDA)

- A. A Restricted Use Data Agreement (RUDA) (see [Appendix 4](#)) which identifies the legal terms of the arrangement between the RA and the MLDS Center is required prior to starting a project.

- B. The principal investigator(s) of the project must sign the RUDA.
- C. If the principal investigator is a graduate student, the RUDA must also be signed by that student's faculty advisor who will accept responsibility for monitoring the work being done by that student and ensuring compliance with the RUDA.

6. Institutional Review Board (IRB) Approval

- A. Each project approved by the MLDS Center must obtain IRB approval. The final IRB approval must be submitted to the Executive Director before access is given to the MLDS data. All individuals given access to the data must be named on the approved IRB.
- B. Contact the Center's Director of Research if you have questions or need assistance with obtaining IRB approval.

7. Access to the MLDS

7.1 Staff Authorization and Access Procedures

- A. The MLDS houses data that contain personal information about individuals protected by the Family Educational Rights and Privacy Act of 1974 (FERPA) and State and federal laws regulating the confidentiality and disclosure of state Unemployment Compensation records. Each agency has a Data Sharing MOU with the MLDS Center that, along with applicable federal and state laws and regulations, controls the confidentiality, use, redisclosure, and access regarding the data.
- B. To protect the confidentiality of this information, Education Article § 24-703(g)(1), Annotated Code of Maryland limits access to the MLDS to authorized staff of the Center. Accordingly, RAs must complete the *Staff Authorization and Access Procedures* (Appendix 5), which include the following:
 - i. A non-disclosure agreement relating to confidentiality of student and workforce data;
 - ii. An acknowledgement confirming review of the data sharing MOUs between the MLDS Center and the Maryland State Department of Education, Maryland Higher Education Commission, Maryland Department of Labor, Licensing and Regulation, and Maryland Motor Vehicle Administration;
 - iii. A Criminal History Background Investigation;
 - iv. Acknowledgement of receipt and review of required documents (including the [MLDSC Data Security and Safeguarding Plan](#)); and
 - v. Complete the required trainings described in section 7.2 below.

7.2 Training

- A. RAs are required to complete the following privacy and security training:
 - i. [Cyber Security Awareness training for Department of Defense Employees](#)
Complete the course for Department of Defense Employees. Please note that this course should be taken using Windows Internet Explorer. Other browsers may have trouble producing the certificate of completion needed to gain access to the MLDS.

- ii. FERPA 101 training course through the [Privacy and Technical Assistance Center](#) at the U.S. Department of Education. You will be required to create a login and password in order to take the course. The prompt for login will appear once you click on the course name.
- iii. FERPA 201 training course through the [Privacy and Technical Assistance Center](#) at the U.S. Department of Education. You will be required to create a login and password in order to take the course. The prompt for login will appear once you click on the course name.
- B. Additional security and privacy training or information may be required as determined by the MLDS Center Chief Information Officer.
- C. RAs must:
 - a. Prior to starting the project, provide evidence of completion of the Collaborative Institutional Training Initiative (CITI) program on *Human Subjects Research – Social-Behavioral-Educational and Responsible Conduct of Research* to ensure understanding of behaviors necessary to enhance the integrity and professionalism of investigators and staff conducting research; and
 - b. Throughout the staff appointment, provide any necessary update certifications required by the program.

8. Conducting Research

8.1 Data Request

- A. Center staff will assemble a data file that meets the specifications requested by the RA on the [Data Request Template](#) (See [Appendix 6](#)).
- B. Because of the time and effort expended by Center staff in generating the requested data file, subsequent requests to supplement or correct the data may not be granted. Accordingly, the RA's *Data Request Template* will be carefully reviewed with MLDS staff to ensure:
 - i. The completeness and accuracy of the data requested; and
 - ii. The RA fully understands the data being requested, its limitations, and other possible sources that may be more appropriate.
- C. The requested files will be available on the RA's private project folder in a subfolder named New Files Released.

8.2 Data Usage

- A. The RA may only use MLDS data for the research project as specified in the RA's research proposal. Access to and use of MLDS data is granted for a fixed amount of time and may be renewed if needed at the discretion of the Executive Director.
- B. The Executive Director will immediately terminate access in cases where there is significant risk of unauthorized disclosure of confidential information, violation of security guidelines, or use of data in a manner that is not consistent with the RA's research proposal.

8.3 Workstations

- A. RAs may only use the computer listed and approved in the *Staff Authorization and Access Procedures* or a Center workstation.
- B. Center workstations are located at the MLDS Center offices at [200 West Baltimore Street, Baltimore, MD 21201](#) and will be available by appointment between 10:00am to 4:00pm. To enter the building, researchers must show a government issued form of identification and receive a visitor's pass. All researchers with personal electronic equipment must complete a Property Pass on entering the building. MLDS Center staff may admit researchers into the restricted area.

8.4 Statistics Programs available on Workstations

- A. MLDS computers are loaded with commonly used statistical applications (See [Appendix X](#)).
- B. If a RA requests an older or newer version of the provided statistical applications or other software not available through the Center, it may necessitate an additional fee to cover the licensing and IT labor costs.
- C. Any special requests should be directed to the Executive Director and CIO.

8.5 Progress Updates

- A. Good communication with the MLDS Center will help avoid issues related to the timeline and ensure that the Center can provide any needed support in a timely manner.
- B. RAs are required to submit quarterly progress reports in February, May, August and November to the MLDS Executive Director. The reports should include:
 - i. Project Status;
 - ii. Issues encountered; and
 - iii. Work anticipated for next quarter.
- C. As necessary, the MLDS Center may also ask for interim updates. When an interim update is requested, RAs must respond within five business days.

8.6 Research Project Approval Period & Extensions

The Executive Director will determine the period of time for which the project is approved. The Director will base the decision on:

- A. The scope and complexity of the research project proposal;
- B. The availability of the required data;
- C. The timeline proposed by the RA as part of the research proposal; and
- D. Recommendations from the RPB and the Research Branch Director.

8.7 Project Amendments

- A. Timeline
 - i. A RA may request an extension if the research project cannot meet the set completion date established at the time of approval. The RA should complete the [Project Extension/Amendment form](#) (see [Appendix 7](#)) and submit it to the Executive Director.
 - ii. The Executive Director may grant an extension if there are extenuating circumstances

- beyond the control of the RA that justify an extension beyond the original timeline.
- iii. Examples of extenuating circumstances beyond the control of the RA include:
 - Data was not available as expected because it was received late from a partner agency or not loaded in a timely fashion by MLDS Center staff;
 - A personal issue, such as a serious illness or death in the family has prevented the RA from working on the project;
 - A delay in grant funding; or
 - A member of the research team member leaves the project.
- B. Subject and Data
- i. Requests for changes to the subject matter of the approved research proposal or the data provided pursuant to section 8.1 require a formal request to the Executive Director using the Project Extension/Amendment Form ([Appendix 7](#)).
 - ii. After reviewing the requested amendment, the Executive Director will:
 - Approve the amendment upon determining that the requested amendment is minor in scope and does not significantly alter the purpose or nature of the research proposal that was originally submitted and reviewed; or
 - Deny the amendment upon determining that the amendment is substantial in scope and materially changes the purpose and nature of the research proposal beyond what was originally reviewed.
 - iii. If the amendment is denied, the RA may either continue pursuant to the original research proposal and data set or end the project and submit a new application for approval.

9. Conclusion of Research

9.1 Suppression

- A. The RA is required to make sure all work is compliant with FERPA and UI regulations in accordance with *Suppression Guidelines for MLDS Center Dashboards, Presentations, and Reports* (Appendix 8). MLDS Center Staff will review, but not perform, the suppression analysis and needed masking for the RA.
- B. The MLDS Center recognizes that there are several techniques used to avoid the disclosure of personally identifiable information. Moreover, there may be a unique situation in which the Guidelines fail to meet the needs of the RA and/or FERPA or UI compliance. In such a situation, where the Guidelines are inadequate, the Center may require the RA to take additional precautions through the application of additional masking techniques. The Center will work with the RA to find the best possible solution to meet both the RA's needs and disclosure avoidance.

9.2 Release of Research Products

- A. Research Products include written outcomes or displays resulting from the confidential data, such as, output from statistical software, tables, or graphs. Research products are intended to be viewed by individuals who are not approved to access the System.

- B. Center Review
 - i. Only the Executive Director may authorize the removal of research products from the MLDS.
 - ii. The Executive Director will review the research products to ensure:
 - Data tables for export report only aggregate data and small cell sizes are properly suppressed; and
 - The work is consistent with the research proposal.
- C. To begin the review process, the researcher must send an email that includes the following information:
 - i. Folder where research products are located;
 - ii. Name of the research products that the RA wants to have reviewed for release;
 - iii. A summary of what the research products contain (*Example* - These are regression results. The outcome variables are individual student test scores. The independent variables are individual student demographics.); and
 - iv. Definitions of variables that have been derived or renamed that may not be discernible to the reviewer.
- D. Review Outcome
 - i. The Executive Director will only authorize release of the research products upon a determination that:
 - The data are properly aggregated and small cell sizes are suppressed; and
 - The research conducted is consistent with the research proposal.
 - ii. If the release of research products are not authorized because of a suppression issue, the RA will be directed to fully suppress the data and resubmit for review.
 - iii. If the release of research products are not authorized because the work is inconsistent with the research proposal:
 - The RA will be directed to make necessary modifications to the research to conform it to the original research proposal; or
 - If the research is substantially different than the proposal, the project will be terminated and the RA will be denied further access to the data and research products.

9.3 Center Product Review

- A. The research product developed for the Center must be delivered to the Executive Director for review and comment.
- B. Center products must conform to the Center's publication standards.
- C. The Executive Director will consult with:
 - a. The RPB during its next scheduled meeting; and
 - b. Subject matter experts, as needed, in the appropriate partner agencies.
- D. The review will be completed in less than 60 days.
- E. Once the review and comment is complete, the final research product will be delivered to the Center for its use and dissemination.

9.4 Further Developed Works

- A. As required by the RUDA, the RA must provide the Executive Director further developed work for review 60 days prior to it being submitted for presentation or publication.
- B. Except as provided in paragraph C of this subsection, further developed works must be made available to the MLDS Center in an electronic format for posting on its website.
- C. If a further developed work is copyrighted the RA must provide, at no cost, a single copy to the Center and partner agencies.
- D. The RA shall provide the Center with any additional dissemination plans other than those outlined in the original proposal.
- E. Further developed works must include the following:

This research was conducted using data from the Maryland Longitudinal Data System (MLDS) and with the technical support of the MLDS Center staff. The conclusions of this research do not reflect the opinion of the State of Maryland, MLDS Center, the MLDS Governing Board, or its partner agencies.

9.5 Removing Access

- A. Access to the MLDS workstations and secure environment will be rescinded on the approved project end date or an earlier date if the research concludes before the project expiration date. When access is rescinded, physical access to the workstations will expire along with login permissions. All researcher folders/workspace files will be archived for a period of five years then destroyed.
- B. Staff Authorization will be rescinded within one year of the completion of the project and removal of system access.

Appendices

- 1. [MLDS Center External Research Proposal & Summary](#)
- 2. MLDS Fee Schedule
- 3. [Restricted Use Data Agreement](#) (RUDA)
- 4. Staff Authorization and Access Procedures
- 5. [Data Request Template](#)
- 6. [MLDSC External Research Project Extension/Amendment Form](#)
- 7. Suppression Guidelines for MLDS Center Dashboards, Presentations, and Reports
- 8. [MLDS Center Internal Review Rubric](#)

**Memorandum of Understanding
Between External Researchers and the
Maryland Longitudinal Data System Center**

This Memorandum of Understanding (MOU) is entered into between the Maryland Longitudinal Data System Center (MLDSC) and _____ (External Researcher), on this ___ day of ____, 20__.

1. Scope and Terms of the Research

The Researcher shall have submitted an MLDSC External Researcher Application for consideration and approval by the MLDSC in accordance with the MLDS Center Policies and Procedures for External Researcher Projects.

The MLDSC will allow access only to the data elements specified in and approved as a part of the Researcher's completed MLDSC External Researcher Application. The MLDSC will not permit access to the data system beyond what is approved for the project. Any amendments required to facilitate access to additional variables or access for an additional time period above and beyond what is approved in the External Researcher Application must be done in conformity with Section 11, *infra* ("Amendments").

The Researcher agrees not to divulge, share, release, disclose, disseminate, or maintain the raw data or any personally identifiable information with anyone who is not Authorized Staff of the Center.

The Researcher agrees that only summary, aggregate data that is pre-approved by the MLDSC and contains no personally identifiable information may be reported by the Researcher in any format, including presentations and publications. When reporting regression results, population sizes reported in results are held to the same suppression rules as all other data tables. The Researcher must follow the Center's protocols for data suppression as set forth in Section 9.1 of the MLDSC Policies and Procedures for External Researcher Projects.

2. Authorized Staff of the Center

The longitudinal data system maintained by the MLDSC shall only be used by Authorized Staff of the MLDSC to perform work on behalf of the MLDSC and State of Maryland. The MLDSC contains data provided by the Maryland State Department of Education, Maryland Higher Education Commission, the Maryland Department of Labor, Licensing and Regulation, and the Maryland Motor Vehicle Administration. Each agency has a Data Sharing Memorandum of Understanding (MOU) with the MLDSC that, along with applicable federal and state law and regulations including but not limited to 20 CFR Part 603 and the Family Educational Privacy Rights Act ("FERPA"), control the confidentiality,

use, re-disclosure, and access regarding the data. Each of these data sharing MOUs are expressly incorporated herein. All External Researchers shall be familiar with and comply with these privacy laws and MOUS, and shall complete the following to become Authorized Staff of the Center:

- A. Sign this MOU.
- B. Sign a non-disclosure agreement (*Rules of Security Behavior for Authorized Staff of the MLDS Center*) relating to the confidentiality of student and workforce data maintained by the MLDS;
- C. Sign an acknowledgement confirming review of and adherence to the data sharing MOUs between the MLDS and the Maryland State Department of Education, Maryland Higher Education Commission, Maryland Department of Labor, Licensing and Regulation, and Maryland Motor Vehicle Administration;
- D. Complete and pass a criminal background check;
- E. Complete the Collaborative Institutional Training Initiative (CITI Program) to ensure understanding of behaviors necessary to enhance the integrity and professionalism of investigators and staff conducting research;
- F. Comply with the MLDS Governing Board's *Data Security and Safeguarding Plan Version 2.0* (December 13, 2013), and any subsequent versions or amendments thereto, as approved by the MLDS Governing Board;
- G. Provide documentation of IRB approval for the research.

3. Deliverables for External Researchers

External Researchers will deliver a Center product agreed upon by the Executive Director, and with consultation from the Research Director and other Center staff, that fits within the Center's Research Agenda as approved by the MLDS Governing Board and that relates to the audit or evaluation of a State or federal supported education program. The product will conform to the Center's publication standards. The work will be reviewed in accordance with Sections 2.2B and 9.3 of the MLDS Center Policies and Procedures for External Research Projects.

4. Data Rights and Publication

A. All documents and materials including, but not limited to, software, reports, drawings, studies, specifications, estimates, tests, maps, photographs, designs, graphics, mechanical drawings artwork, computations, and research prepared by the External Researcher under the terms of this MOU shall be defined for purposes of this MOU as Research Output. Research Output does not include de-identified unit record level data available to the researchers in fulfillment of their research obligations to the MLDS. All de-identified unit record level data (as well as any data containing any personally identifiable information) shall at all times be under the sole possession and control of MLDS, and such data may not

be removed or disclosed by the External Researcher. Research Output may include aggregate, de-identified data, but shall not include any personally identifiable information.

B. All Research Output shall be owned by MLDSC, subject to the External Researcher's right to use the Research Output in accordance with the terms of this MOU, and subject to the provisions of 2 CFR §200.315, where applicable. The MLDSC shall have the right to use the Research Output without restriction and without compensation to the External Researcher. Although the MLDSC shall exclusively own the Research Output, the External Researcher retains the right to further develop the Research Output for research and educational purposes from aggregate, de-identified data sets containing no personally identifiable information. The External Researcher may copyright the subsequent products it develops derived from the Research Output for research and educational purposes. Any subsequent products derived from the Research Output by the External Researcher must provide attribution to the MLDSC as the source of the data relied upon therein and include the required attribution statement regarding grant funding, if applicable, as set forth in subsection (d), *infra*.

C. Additional collaborative work by and between the External Researcher and the MLDSC which generates additional Research Output above and beyond what is contemplated by this MOU and the approved External Research proposal, and any amendments thereto as set forth in Section 11, *infra*, may be used by the External Researcher at any time for research and educational purposes following the same requirement of attribution set forth herein.

D. All Research Output of the MLDSC or any works derived therefrom by the External Researcher which are funded in whole or in part by the U.S. Department of Education must include the following statements, pursuant to 34 CFR Part 75: "The contents of this (insert type of publication; e.g. book, report, film) were developed under a grant from the Department of Education. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government."

E. MLDSC recognizes that, under the External Researcher's institutional policies, the Research Output may be required to be publishable and available to the External Researcher's institution for use in subsequent scholarly research and presentation. Additionally, MLDSC is committed to open and transparent government and recognizes that the ability of the External Researcher's institution to publish research findings is a critical part of ensuring transparency and advancing knowledge and scholarship on the research topics. MLDSC agrees that External Researchers will be permitted to present the methods of the project work and the Research Output at symposia and professional meetings, and to publish in journals, theses, dissertations, or other publications or presentations of their own choosing in accordance with this Section.

F. The External Researcher shall furnish MLDSC a copy of any proposed publication or presentation by researchers relying on the Research Output at least forty-five (45) days in

advance of the submission for publication or presentation. MLDSC shall have thirty (30) days after receipt of the proposed disclosure to review and comment. In certain circumstances, it may be necessary for MLDSC to request the delay of publications or presentations in order to comply with legal restrictions surrounding the source data. Should MLDSC inform the Researcher that any of the following situations apply, the Researcher shall delay the publication or presentation until such time as the legal impediments have been resolved:

- i. The proposed publication or presentation relies on data that has been embargoed by a non-state entity (*e.g.*, the U.S. Department of Education);
- ii. The proposed publication or presentation relies on data which is subject to an enforcement action against the MLDSC and/or one of the State agencies supplying data to the MLDSC pursuant to Md. Code, Ed. § 24-707;
- iii. The proposed publication or presentation relies on previously unreleased data that is the subject of a pending lawsuit against the State or one of the local education agencies; or
- iv. Upon the advice of the Office of the Attorney General that there is another legal impediment related to the source data facing the MLDSC or the State agencies contributing the data to the MLDSC.

G. Should the MLDSC learn that any of the above situations apply to data that the External Researcher used for work under this MOU, MLDSC shall inform the External Researcher of the situation in writing, and shall provide details regarding the nature of the legal impediment and the data at issue. If upon receipt of such written notification the External Researcher provides MLDSC with a written proposal to delete the affected data from the publication or presentation in order to avoid delay, MLDSC shall review the External Researcher's written proposal, provide reasonable consideration to the request, and make a timely determination on the request. It is the intent of the External Researcher and the MLDSC that the parties not unreasonably delay the publication or presentation of research utilizing the Research Output generated under this MOU.

5. Data Access

A. All data accessed by the External Researcher shall be de-identified. No data accessed by the External Researcher shall be duplicated by being copied onto, transferred to, or maintained by paper, data disks, flash drives, hard drives, cameras, or mobile communication devices or any other electronic or physical medium. The Researcher is prohibited from removing any raw or personally identifiable data from the data system.

B. Only data which contains no personally identifiable information and has been reviewed for suppression compliance and approved by the Executive Director and/or Counsel may be removed from the data system.

C. All External Researchers accessing data within the system must be designated as authorized staff of the MLDS Center. This includes co-investigators, research assistants, and information-technology (IT) specialists.

D. The Researcher agrees and understands that, in addition to the other requirements set forth herein, the Researcher may access, use, and disclose data solely for the purposes of conducting the research project that has been approved by the MLDS Center.

6. Limitations on Use and Disclosure

The External Researcher shall not use or disclose data accessed from the MLDS pursuant to this agreement for any administrative purposes, nor may the subject data be applied in any manner to change the status, condition, or public perception of any individual regarding whom subject data is maintained.

The External Researcher shall not disclose subject data or other information containing, or derived from, subject data other than that which is de-identified, aggregate and approved for release outside of the MLDS Center. The External Researcher shall have access to unit record level de-identified data. The External Researcher shall not remove from the MLDS, maintain, share or otherwise disclose unit record level de-identified data with anyone who is not designated as authorized staff of the MLDS Center for any reason at any time.

7. Period of Performance

This MOU shall be effective from (month), (day), (year) through (month), (day), (year). The time period for performance may be extended in conformity with the provisions of Section ___ (Amendments).

8. Termination

The MLDS Center may unilaterally terminate this MOU if:

- A. The External Researcher was in violation of one or more provisions of this agreement have been violated.
- B. The External Researcher has violated the *Data Security and Safeguarding Plan Version 2.0*, or any amendments thereto.
- C. The External Researcher has violated the External Research procedures.

All provisions related to confidentiality and disclosure of data shall survive the termination of this Agreement for any reason. If any removal or disclosure of data occurs in violation of this MOU, the Researcher immediately shall notify the Executive Director, use best efforts to contain and destroy any improperly removed or disclosed data, and shall cooperate fully with the Executive Director to mitigate any consequences of the violation.

If the Executive Director terminates access because he or she determines that data confidentiality requirements have been violated by the External Researcher, the Executive

Director promptly shall notify in writing the External Researcher's chief research officer, chief academic officer, and faculty advisor (if applicable), with copies to the External Researcher, the president of the External Researcher's institution, and the Partner Agencies. The Researcher agrees that in the event the MLDS terminates the Researcher's access to the MLDS, the Researcher shall not use or publish any data obtained from the MLDS.

9. Costs and Funding

The researcher agrees to be responsible for reimbursing the Center for costs incurred to facilitate the research project in accordance with Section 3 of the Policies and Procedures for External Researcher Projects. The MLDS will provide the researcher with an estimate of costs in accordance with the MLDS Cost Schedule.

10. Applicable Law

This Agreement shall be construed and enforced according to the laws of the State of Maryland.

11. Amendments

Pursuant to the provisions of the Policies and Procedures for External Researcher Projects, Section 8.7, the MLDS and External Researcher may amend the scope of the research to be performed, or timeline for completion of performance of the research pursuant to this agreement. Any proposed amendment must be provided in writing, reviewed by both parties, and if acceptable, signed by each party's authorized official. Any such amendments shall be carried out as set forth in Section 8.7, and be deemed incorporated as if set forth herein.

12. Complete Agreement

This MOU represents the complete, total, and final agreement of all parties. No other agreements or representations, oral or written, regarding the subject matter of this Agreement, shall be deemed to exist or to bind the parties hereto at the time of execution.

In witness whereof, the parties have caused this MOU to be executed by its authorized officers, agents, or officials.

On Behalf of the Governing Board of the Maryland Longitudinal Data System Center

James Fielder, Ph.D.
Chair, Governing Board of the
Maryland Longitudinal Data System Center

On Behalf of the External Researcher

(Principal Investigator)

(Researcher)

(Faculty Advisor - if applicable)

Approved as to form and legal sufficiency
On behalf of the Maryland Longitudinal Data System Center

This ____ day of ____, 20 ____

Dawn O’Croinin
Counsel, MLDSC and Governing Board