DRAFT

MARYLAND LONGITUDINAL DATA SYSTEM (MLDS)
550 West Baltimore Street
Baltimore, MD 21201

GOVERNING BOARD MEETING
June 9, 2017
MINUTES

The meeting of the Maryland Longitudinal Data System (MLDS) Governing Board was held on June 9, 2017, in the Maryland State Department of Education (MSDE) Board Room of the Nancy S. Grasmick Building. Dr. Fielder, Chair of the Governing Board, called the meeting to order at 9:00 a.m. and noted that a quorum was present.

The following Governing Board members were in attendance:
Dr. James Fielder, Secretary of Higher Education and Chair of the Governing Board
Dr. Karen Salmon, State Superintendent of Schools, Maryland State Department of Education
Mr. Michael Harrison, Director of the Office of Policy Development, Maryland Department of Labor, Licensing, and Regulation (Designee for Secretary Kelly Schulz)
Dr. Ben Passmore, Assistant Vice-Chancellor for Policy, Research, and Analysis, University System of Maryland (Designee for Chancellor Robert Caret)
Ms. Tina Bjarekull, President, Maryland Independent Colleges and Universities Association
Dr. Jack Smith, Superintendent of Montgomery County Public Schools
Mr. Steven Rizzi, Vice President, PAR Government
Dr. Scot Tingle, Assistant Principal, Snow Hills High School
Mr. Christopher J. Biggs, Information Assurance Manager, Raytheon Company

The following MLDS Center staff members were in attendance:
Mr. Ross Goldstein, Executive Director, MLDS Center
Ms. Tejal Cherry, Director of System Management Branch, MLDS Center
Ms. Laia Tiderman, Data Management Coordinator, MLDS Center
Dr. Angela Henneberger, Director of Research, MLDS Center and Research Assistant Professor, University of Maryland, School of Social Work
Dr. Laura Stapleton, Associate Director of Research, MLDS Center and Associate Professor in the Department of Human Development and Quantitative Methodology, University of Maryland, College of Education
Ms. Ann Kellogg, Director of Reporting Services, MLDS Center
Ms. Dawn O'Croinin, Assistant Attorney General for the Governing Board and MLDS Center
Ms. Jamese Dixon-Bobbitt, Executive Associate, MLDS Center

Approval of March 10, 2017 Meeting Minutes
Before asking for a motion to approve the minutes from the March 10, 2017 meeting, Dr. Fielder asked whether staff had received a written plan from the Department of Information Technology (DoIT) on the enterprise system and whether the MLDS Center servers will be maintained in a separate cage. Mr. Goldstein responded that staff had requested specific written documentation on the enterprise plan and the maintenance of servers and found that no written plan currently exists.   Dr. Salmon made a motion to approve the minutes that was seconded by Mr. Biggs. The motion was unanimously approved.

Proposed Regulations

Mr. Goldstein stated that the proposed regulations amend Chapters 01 and 04 of the Center's current regulations (14.36.01 and 04). The regulations in their current form assumed that a request for an aggregate or longitudinal data sets was not subject to the Public Information Act (PIA). For the reasons laid out in a memorandum provided to the Board in advance of the meeting, the aggregate data requests are subject to PIA. Accordingly the proposed changes are being made to clarify that longitudinal data requests are subject to the same standards as other PIA requests to the Center. The changes include the following:

1. Updating citations to reflect recent code revision, which moved the PIA from the State Government Article to the General Provisions Article;
2. Removing the part of the definition of "public record" that states a public record does not include longitudinal data requests (page 2);
3. Removing the statement that a request for longitudinal data must be for a specific purpose (page 8);
4. Removing the requirement for requesters to complete an affidavit that the data will not be used for commercial solicitation, marketing or any form of financial gain; and
5. Removing specific fee language and instead providing that it will be assessed consistent with other PIA requests.

Finally, Mr. Goldstein noted that the regulations have been approved before, but never finally adopted. Instead of bringing the regulations back for final adoption, the decision was made to reintroduce the regulations to allow for discussion and a new round of public notice and comment.

Mr. Rizzi asked whether the Center's enabling legislation prohibited the agency from profiting off the sale of the data, and if the agency is prohibited from profiting off the sale, why is it permissible for a person making a data request to do so? Ms. O'Croinin noted that there was nothing in state law that specifically prohibited the agency from profiting off the data - except for a recent change that removed the ability of the Center to charge user fees for the data. Further, there is nothing in state law that prohibits the right of the public to request data from the Center.

Ms. Bjarekull agreed that there is nothing to prohibit the sale or use of data for commercial gain - but expressed her opinion that there should be a prohibition. She proposed accepting the proposed regulations, but also recommending legislation that would provide limitations on the use of Center data. Dr. Passmore agreed that the Board should explore whether to make data use restrictions part of the Board's agenda for the next General Assembly. Dr. Salmon expressed the same concerns, but also expressed a need for some flexibility. The data in the system can attract researchers that can provide valuable services for little or no money in exchange for data access. Legislative changes should not be so restrictive as to prevent those types of opportunities.

Dr. Salmon made a motion to approve the proposed regulations, which was seconded by Dr. Passmore. The motion was unanimously approved.

Budget Briefing

Mr. Goldstein referred to the Fiscal Year 2018 budget breakdown and memorandum provided in advance of the meeting. The budget is straightforward and funds are spent as follows:

- 70% for staff salaries;
- 17% for funding of the Research Branch;
- 12% for information technology hardware, software, maintenance, and necessary services; and
- 1% for miscellaneous items.

Mr. Goldstein also referred to two tables, one of which provides a breakdown of the funds by state object codes. The table includes the $786 thousand of federal funds that will be used for the synthetic data research project. The second table shows a breakdown of certain objects, such as contracts, which includes various planned expenditures. Dr. Fielder requested that future presentations include a column showing the prior year budget to inform the Board on prior spending and changes.

Mr. Harrison made a motion to approve the budget, which was seconded by Ms. Bjarekull. The motion was unanimously approved.

MLDS Data Inventory

Ms. Tiderman noted that all changes to the Data Inventory must be approved by the Board. Last year the Data Inventory moved to an online format available on the MLDS website. Accordingly, the materials provided to the Board only provide the substantive changes being proposed. The new data elements proposed for inclusion are eight data elements collected from PK-12 Attendance. The data elements provide additional details on PK-12 students, including program participation and funding information. There are no postsecondary or workforce data elements proposed for inclusion.

The proposed removals include the PK-12 Staff data element, *Highly Qualified Teacher Indicator,* which is no longer collected by MSDE. The other proposed removal is all of the data elements associated with Correctional Education data provided by DLLR. This data contains information about a person's educational activities while incarcerated. The fact that this data discloses the fact of a person's incarceration violates the Center prohibition against receiving data related to criminal records.

Dr. Passmore agreed with the need to exclude the Correctional Education data, but asked whether the Center would still capture their educational achievements. Ms. Tiderman responded that data from Correctional Education programs, such as national certifications and transition programs, would not be available from another source. Ms. Cherry stated that GED data would also be lost since it is sent by Correctional Education and not included in other GED data reported to MLDS by DLLR.

In response to Mr. Rizzi, Ms. O'Croinin agreed about the importance of the Correctional Education data and the population it represents, but stated that State law specifically prohibits the inclusion of data relating to criminal records. The very nature of the Correctional Education data reveals the fact that the individual has been incarcerated. Ms. Tiderman noted that the Correctional Education staff was interested in the ability of the Center to provide program outcome information. There was a discussion about seeking a change to State law to include this type of information. Dr. Fielder noted that the statute was

purposefully restrictive to limit the scope of information collected on individuals. He recommended showing success with the current data and then revisiting the restricted data categories.

Mr. Harrison made a motion to approve the changes to the MLDS Data Inventory, which was seconded by Ms. Bjarekull. The motion was unanimously approved.

After the motion Dr. Henneberger asked for clarification on the status of the GED data related to Correctional Education students. Ms. O'Croinin stated that the data could not be received from Correctional Education. Dr. Passmore asked whether it was feasible for DLLR to include the GED data of Correctional Education students with the GED data provided by Adult Education. Mr. Harrison indicated that could be considered.

New Business

Mr. Goldstein noted that there are two memoranda of understanding (MOUs) for Board review and approval.

1. Ms. O'Croinin first presented the MOU between the University of Maryland, School of Social Work and the MLDS Center for the continuation of the Research Branch. Ms. O'Croinin noted that the MOU is consistent with the last MOU. There are changes to Section 4, regarding the rights to publication. That section is incorporates the revisions and clarifications to the rights to publication section in the synthetic data project MOU. Specifically, the new version provides clarification on what constitutes research output. Ms. O'Croinin also noted that a late change was made (and was provided to the members) based on a recommendation by Ms. Bjarekull. Section 2.2 adds to the grounds for replacing the Director of Research to include any violation of UMB and USM policies, violation of State or federal law in the workplace or in the performance of employment duties, or termination of administrative position or employment by UMB for any other cause. The added provision has been vetted and approved by UMB counsel. Dr. Passmore made a motion to approve the MOU, contingent on review and approval by DBM. Ms. Bjarekull seconded the motion, which was unanimously approved.

2. Ms. O'Croinin next presented the data sharing MOU between DLLR and MLDS Center. This MOU only applies to the workforce data. There are plans to also establish a separate MOU for the education data next. The workforce data has unique provisions that needed to be fleshed out first. The MOU establishes a task order for each new use of the data (which was done for the synthetic data project). The MOU also updates language to conform to advice received by the U.S. Department of Labor and strengthens the language regarding the use and maintenance of the Unemployment Insurance data. Mr. Harrison noted that the MOU was still going through internal review at DLLR and therefore made a motion to table consideration of the MOU until the review is complete. Mr. Biggs seconded the motion, which was unanimously approved. Ms. O'Croinin stated that a conference call would be established to obtain a vote to approve the MOU with the next two weeks.

Intrusion Detection System

Mr. Goldstein began by noting that the intrusion detection system (IDS) adds an additional layer of security. The cost of the IDS is approximately $40,000. The Center can afford to pay for the IDS due to staffing vacancies for parts of the year. In future years this will be a challenging expenditure to accommodate.

Ms. Cherry explained that the IDS was recommended by the independent security audit completed last year. The IDS would provide continuous monitoring of the Center's master data management system, which contains the personally identifiable information. Cyber Engineering Services will implement the hardware, software, and monitoring that comprise the IDS. The IDS will detect unauthorized access, monitor system use, and notify the Center of any issues.

In response to a question from Ms. O'Croinin, Mr. Goldstein clarified that the IDS would be paid for using FY 17 funds. Since the service would be provided through DoIT's master contract, the procurement can be accomplished before the end of the year. Dr. Salmon noted that the IDS would be an annual expenditure and noted her concern about starting the service when it is not clear that the Center can afford to continue it in future years. This is especially concerning given the fact that it might prove to be necessary.

Mr. Biggs noted that as the State enterprise system comes together, the IDS services could be adopted by DoIT for the enterprise and asked whether that will take place. Charles Ames, Director of Cyber Security for the State, first noted the work of the MLDS Center staff for putting together a strong program. Continuous monitoring is a goal. The first step in a security is to create a strong defense, which he noted the Center has done. The next step is to have a more proactive stance, which the IDS implementation provides. Mr. Ames notes that the cost of the IDS is about a fifth of the cost of a full-time employee, which is reasonable to protect the Center's valuable data. Finally, Mr. Ames also stated that the Center's implementation of an IDS will hopefully plant a seed that will hopefully be expand this type of protection throughout the State.

Mr. Rizzi agreed that the IDS is a prudent idea, but has stated that there is an issue of scale. Normally, an IDS is deployed on a large scale enterprise system. Implementing the IDS on a small number of hosts is an unusual implementation - especially in light of limited and finite funds. Other departments are not doing it and there does not appear to be a state regulation or policy requiring it. Accordingly, it is hard to justify why we are doing this and other agencies are not. Mr. Rizzi also stated his desire to see this as a service provided by DoIT in a way that spreads the cost out among the agencies.

Noting the concerns expressed by Dr. Salmon regarding the potential unavailability of funding in future years, Mr. Goldstein stated implementing the IDS now may still serve as an important test case. The Center will have the IDS for a year and find out the type of information it is returning through the ongoing audit reports. This will allow the Center to better assess the value of the system. Mr. Rizzi added that the Center can pass that information along to the state to help inform their decisions about the importance of the IDS. Dr. Salmon agreed that having that data will help make the case to move forward with a statewide implementation of an IDS and thereby spread the cost over many agencies.

In response to a question from Dr. Fielder, Ms. Cherry responded that the IDS would provide continuous (24x7) monitoring. However, the human review of the monitoring would only occur during regular business hours, one hour at night, and one hour on nights and weekends. Adding the non-business hours added to the cost, but she felt it was important to have some review during those periods

Mr. Biggs suggested that Ms. Chery update the incident management plan to include a response to the notification of a threat from the IDS.

Dr. Fielder stated his opinion that the IDS was a prudent expenditure. He asked Mr. Goldstein to amend the FY 18 budget to reflect the cost of the system. Dr. Salmon made a motion to approve the expenditure of Center funds on the IDS, which was seconded by Dr. Passmore. The motion was unanimously approved.

Center Update
Ms. Kellogg began by providing a summary of the Center's output. Specifically, the Center has addressed 13 of the 21 Research Agenda questions in some form, such as a dashboard, policy report, or other presentation. Staff will try to make sure future topics for dashboards or policy reports begin to address the questions that have not been work on to this point.

Next, Ms. Kellogg stated that there have been 16 data requests in the last five months, seven from postsecondary institutions, three from MSDE, one from MHEC and five requests from various other sources. This represents a significant uptick for the Center and demonstrates that stakeholders are understanding the value of the MLDS as a resource.   In response to a question from Mr. Harrison about turnaround time, Ms. Kellogg stated that the Center must respond to requesters within 10 days, but the request is fulfilled later after discussion with the requester to clarify the request and then undertake the work to compile the data. Some requesters often opt to wait for updated data files to be received by the Center and incorporated. Ms. O'Croinin clarified that PIA requires a response to the requester acknowledging receipt of the request. However, providing the data within 10 days is not required. Mr. Harrison noted that he heard that data requests were taking as long as a year and half to be fulfilled. Ms. Kellogg stated that the turnaround was significantly faster than that - noting that of the 16 requests in the last five months, seven had been completed (and four others were closed because the requested information was out-of-scope).

Dr. Passmore asked whether any of the five "other" requesters were legislators or staff at the Department of Legislative Services (DLS). Specifically, Dr. Passmore wanted to know whether the Center is directly addressing the needs of state policy makers. In response, Dr. Salmon noted that MSDE's recent requests directly stemmed from legislation. There has been a very fast turnaround by the Center. MSDE has a lot of reports required by legislation and will need MLDS' input to meet those requirements.   Mr. Goldstein also responded that he is working to set up a meeting with DLS staff over the summer to understand their research priorities. In addition, Mr. Goldstein noted that he and Dr. Henneberger have been working with Senator Ferguson on a research request that he brought to the Center. Dr. Henneberger will be working on the project over the summer.

Finally, Ms. Kellogg discussed the Center's recent collaborative engagements with MHEC and MSDE.
1. MHEC - Dr. Fielder provided a copy of an Ohio study that compared the outcomes of community college students who either earn an Associate's degree or a certificate. Dr. Fielder wanted to know whether the Center could replicate some or all of the study. The Center is able to replicate

portions of the study and has been making progress in developing a data set to provide in response to Dr. Fielder's inquiry.

2. MSDE - The Center received a data request on novice teachers in Maryland public schools. Since this appeared to be information that would be beneficial to the Center's stakeholders, staff turned the data request into a dashboard. That dashboard asked for feedback: "What else would you like to know about this population?" This opened a dialogue with MSDE, which resulted in several questions on the topic of teacher induction. Dr. Salmon noted that MSDE recently established a research department and hired an expert education researcher who has been working on a close basis with the Center. In addition, the Center management team and Dr. Salmon and her senior staff held a productive meeting to discuss future projects and opportunities to collaborate. Dr. Salmon stated that there was a lot of excitement at MSDE for this partnership.

Old Business

Response to P20 Leadership Council Annual Report

Ms. Tiderman stated that the Center finalized its response to the P20 Council's Annual Report, providing a detailed and comprehensive response to each reference to and recommendation for the Center. A copy of the response letter was provided to the Board in advance of the meeting. Several of the recommendations focused on the Center's engagement with the different P20 workgroups - which the Center is happy to do. Staff also consulted with MSDE on the certain recommendations to ensure the Center and MSDE were not duplicating efforts. Dr. Passmore thought the response was very thorough.

DoIT Enterprise Management Plan

Ms. Cherry provided a review of the work to migrate to the DoIT enterprise system. Specifically, the Center has:

1. Migrated to the DoIT firewall, which is complete and provides good security and alerts;
2. Migrated to the DoIT backup solution;
3. Completed Google email synchronization with active directory;
4. Switched to the DoIT provided help desk for all service calls;
5. Provided DoIT access to servers to install and maintain software such as McAfee Anti-Virus and to conduct network monitoring;
6. Continued working towards adopting the offsite backup solution and discontinuing the current service with AWS; and
7. Continued working on plans to move MLDS current environment to TierPoint location.

Ms. Cherry noted that the Center will not be in a separate physical environment, but instead will be part of the enterprise system. In response to a question from Mr. Rizzi, Ms. Cherry confirmed that since the MLDS environment won't reside on separate physical servers there will not be a separate cage. Ms. Cherry went on to state that the enterprise facility has very strong physical security that exceeds the physical security maintained at the current location. In response to Mr. Biggs, Ms. Cherry explained that while the Center will not be physically separate, the Center can still limit access to the system virtually.

Mr. Rizzi pointed out that over a year ago, the Legislative Auditor included an audit finding that certain security and procedural deficiencies, despite the fact that the Center did not have control over those issues (they were under the control of the hosting agency the Department of Public Safety and Correctional

Services). The enterprise arrangement will create a similar situation, leading Mr. Rizzi to ask how the Center can ensure that accountability is properly parsed out and understood by the Auditors. Further, how does the Board exercise its Governance role if a major part of the system is managed by another entity?

Mr. Goldstein responded that he and Ms. Cherry have been working to create a service level agreement to clearly define roles and responsibilities and set expectations for the level of service the Center expects DoIT to meet. The lesson from the last audit was that the Center is ultimately going to be held responsible for the security and maintenance of its system. As such, Center staff would not suggest moving to the DoIT enterprise if staff didn't believe that it would ultimately improve the Center's security posture. For example, the enterprise firewall is an improvement over what a small agency can provide on its own. The caution is well placed: staff is aware of it and is trying to manage and mitigate the concerns.

Mr. Ames noted that the enterprise system will save money and increase capacity by marshalling resources. Further, agencies will only have to pay for what they need.   Mr. Ames asserted that the physical security at the enterprise data center is top notch. He also noted that responsibility and risk for physical and personnel security are transferred to DoIT. Security will be tailored to meet the business needs of each agency.   Finally, Mr. Ames noted that 26 agencies have moved to the enterprise and the Legislative Auditor has audited those agencies. While there is always room for improvement, there have been no issues with the adoption of common controls. In general the enterprise data center has been a great strength through the almost continuous audits of the agencies.

In response to a question from Mr. Rizzi, Ms. Cherry acknowledged the need to rewrite the security documentation maintained by the Center in light of the enterprise system.

Adjournment
Dr. Passmore reminded the members that the next meeting will be held on September 8th at 9 a.m. at the same location.   A motion to adjourn the meeting was made by Dr. Salmon and seconded by Mr. Harrison. The motion was unanimously approved and the meeting concluded at 10:20 a.m.

                             Respectfully submitted,
                             Ross Goldstein
                             Executive Director

Approved: *[pending]*