

Forum Guide to  
**Supporting Data Access for Researchers**  
A Local Education Agency Perspective



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## National Cooperative Education Statistics System

The National Center for Education Statistics (NCES) established the National Cooperative Education Statistics System (Cooperative System) to assist in producing and maintaining comparable and uniform information and data on early childhood, elementary, and secondary education. These data are intended to be useful for policymaking at the federal, state, and local levels.

The National Forum on Education Statistics (Forum) is an entity of the Cooperative System and, among its other activities, proposes principles of good practice to assist state and local education agencies in meeting this purpose. The Cooperative System and the Forum are supported in these endeavors by resources from NCES.

Publications of the Forum do not undergo the same formal review required for products of NCES. The information and opinions published here are those of the Forum and do not necessarily represent the policy or views of the National Center for Education Statistics or the U.S. Department of Education.

### 2014

This publication and other publications of the National Forum on Education Statistics may be found at the websites listed below.

The NCES Home Page address is <http://nces.ed.gov>

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### Technical Contact

Ghedam Bairu

(202) 502-7304

[ghedam.bairu@ed.gov](mailto:ghedam.bairu@ed.gov)



## Working Group Members

This guide was developed through the National Cooperative Education Statistics System and funded by the National Center for Education Statistics (NCES) of the U.S. Department of Education. A volunteer working group of the National Forum on Education Statistics produced this document.

### Chair

**Christina Tydeman**

Hawaii State Department of Education

### Members

**Sheri Ballman**

Princeton City School District (OH)

**Marilyn King**

Bozeman School District #7 (MT)

**Linda Rocks**

Bossier Parish School System (LA)

**Arleen Thompson**

Boston Public Schools (MA)

**David Weinberger**

Yonkers Public Schools (NY)

### Consultants

**Abby Loughrey**

**Tom Szuba**

Quality Information Partners

### Project Officers

**Ghedam Bairu**

National Center for Education Statistics (NCES)

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## Foreword

### The National Cooperative Education Statistics System

The work of the Forum is a key aspect of the National Cooperative Education Statistics System. The Cooperative System was established to produce and maintain, with the cooperation of the states, comparable and uniform education information and data that are useful for policymaking at the federal, state, and local levels. To assist in meeting this goal, the National Center for Education Statistics (NCES), within the U.S. Department of Education, established the Forum to improve the collection, reporting, and use of elementary and secondary education statistics. The Forum deals with issues in education data policy, sponsors innovations in data collection and reporting, and provides technical assistance to improve state and local data systems.

### Development of Forum Products

Members of the Forum establish working groups to develop best practice guides in data-related areas of interest to federal, state, and local education agencies. They are assisted in this work by NCES, but the content comes from the collective experience of working group members who review all products iteratively throughout the development process. After the working group completes the content and reviews a document a final time, publications are subject to examination by members of the Forum standing committee that sponsors the project. Finally, the entire Forum (approximately 120 members) reviews and formally votes to approve all documents prior to publication. NCES provides final review and approval prior to online publication.

### Relationship to State Education Agency Guide

Many recommendations for local education agency staff in this document were adapted from best practices for state education agency staff that originated in *The Forum Guide to Supporting Data Access for Researchers: A State Education Agency Perspective*, available at [http://nces.ed.gov/forum/pub\\_2012809.asp](http://nces.ed.gov/forum/pub_2012809.asp). Because the needs and circumstances differ in state and local education agencies, this guide was developed to offer recommendations designed specifically for local education agency staff.



## Relationship of this Guide to the Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that gives parents certain rights with respect to their children’s education records.<sup>1</sup> These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level (“eligible students”). The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education (ED), such as Title I.

FERPA requires that written consent from parents or eligible students be obtained before releasing any information from student education records, except in the case of specific exceptions (34 CFR § 99.31).<sup>2</sup> While FERPA does not have a research exception to the written consent requirement per se, FERPA does allow local education agencies (LEAs) to share personally identifiable information (PII) from education records under certain circumstances.

Additional information about FERPA and related guidance is available at the U.S. Department of Education’s Family Policy Compliance Office (FPCO) website ([www.ed.gov/policy/gen/guid/fpco/index.html](http://www.ed.gov/policy/gen/guid/fpco/index.html)) and the Privacy Technical Assistance Center (PTAC) website (<http://ptac.ed.gov>).

## Relationship of this Guide to the National School Lunch Act

Information on student free and reduced price lunch eligibility status is protected under the National School Lunch Act (NSLA), and access to and use of these data are permitted under limited circumstances and to a limited number of individuals. LEAs may not release the eligibility status of students participating in the U.S. Department of Agriculture’s (USDA’s) school feeding programs without written, informed consent from a parent/guardian. Aggregate and de-identified data may be released for the purposes identified in this Forum Guide. For more information, refer to “Part 7: Confidentiality and Disclosure” of the USDA’s Eligibility Manual for School Meals, available at <http://www.fns.usda.gov/cnd/guidance/EliMan.pdf>.

## Relationship of this Guide to the Protection of Pupil Rights Amendment

Like FERPA, the Protection of Pupil Rights Amendment (PPRA) applies to programs administered by the U.S. Department of Education (ED). Under PPRA, parents/guardians have the right to inspect any tools (e.g., surveys, exams, interview scripts, etc.) used in connection with an ED-funded survey, analysis, or evaluation in which their children participate. PPRA also protects the rights of parents and children by requiring researchers to obtain written consent from a parent/guardian before minor students participate in any ED-funded survey, analysis, or evaluation that addresses information concerning a number of sensitive topics, whether or not the data are available to the researcher as personally identifiable. (Refer to <http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html> for a complete list of topics.)

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<sup>1</sup> In this context, “education records” are records that are directly related to a student and are maintained by an educational agency or institution, or by a party acting for the agency or institution. For more information and a list of the categories that are not included in the definition, see FERPA regulations, 34 CFR §99.3.

<sup>2</sup> To learn more about FERPA exceptions, refer to the U.S. Department of Education’s FERPA FAQ, available at <http://www2.ed.gov/policy/gen/guid/fpco/faq.html>.





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# Introduction

## Agency and Researcher Collaboration

Data-driven decisionmaking and the application of research-based methods of inquiry are widespread practices in our education system. As such, most local education agencies (LEAs) view responding to requests from researchers for access to data as a major responsibility to their stakeholders. Responding to and servicing these requests can require a significant amount of staff time and effort, even for a seemingly straightforward request. These demands are particularly taxing if an education agency has not established standard procedures for managing requests. However, once an efficient and effective process has been developed, LEAs can expect to reduce this workload and—more importantly—support research findings that are likely to have a positive impact on student learning.

The advent of statewide longitudinal data systems (SLDSs)—systems that are currently under development in many state education agencies (SEAs) and designed to track individual student data across years and schools—has triggered discussions and potential collaboration between LEAs, SEAs, and the research community.<sup>1</sup> These systems help to increase the capacity of local data systems and also help to advance the efforts of states and districts to efficiently and accurately manage, analyze, share, and use education data. In turn, SLDSs support research focused on closing achievement gaps and improving achievement throughout a student’s entire education experience.

This expansion of education data systems serves as a foundation for research and evidence-based action in an education system that is becoming more broadly defined to include early childhood, K12, and postsecondary institutions, as well as workforce preparation and performance.

Quality research can provide valuable insight into education policies and practices. Collaboration between LEAs and the research community is driven by an overarching goal of using the knowledge gained from research to improve student achievement.

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<sup>1</sup> SLDSs frequently contain data related to the U.S. Department of Agriculture’s (USDA’s) free and reduced price meal status of students participating in the USDA’s school feeding programs. This information is protected under the National School Lunch Act (NSLA), and access to and use of these data are permitted under limited circumstances and to a limited number of individuals. LEAs should become familiar with USDA statute, regulations, and guidance materials on the treatment of confidential student free and reduced price eligibility status information found in many education data systems. For more information, refer to “Part 7: Confidentiality and Disclosure” of the USDA’s *Eligibility Manual for School Meals*, available at <http://www.fns.usda.gov/cnd/guidance/EliMan.pdf>.



## New Data Versus Existing Data

LEAs generally receive requests from researchers for two types of data: existing data (sometimes referred to as secondary research) and new data (sometimes referred to as primary research). A single research project may also include a request for both types of data (see Figure 1).

Education agencies often have some discretion when deciding whether and how to support many types of research, unless they are requests for data through state open records or the Protection of Pupil Rights Amendment (PPRA), neither of which is addressed in this guide.

Information about PPRA is available at <http://www2.ed.gov/policy/gen/guid/fpc/ppra/index.html>.

Requests for access to existing data refer to data that are already available from the LEA's data systems.

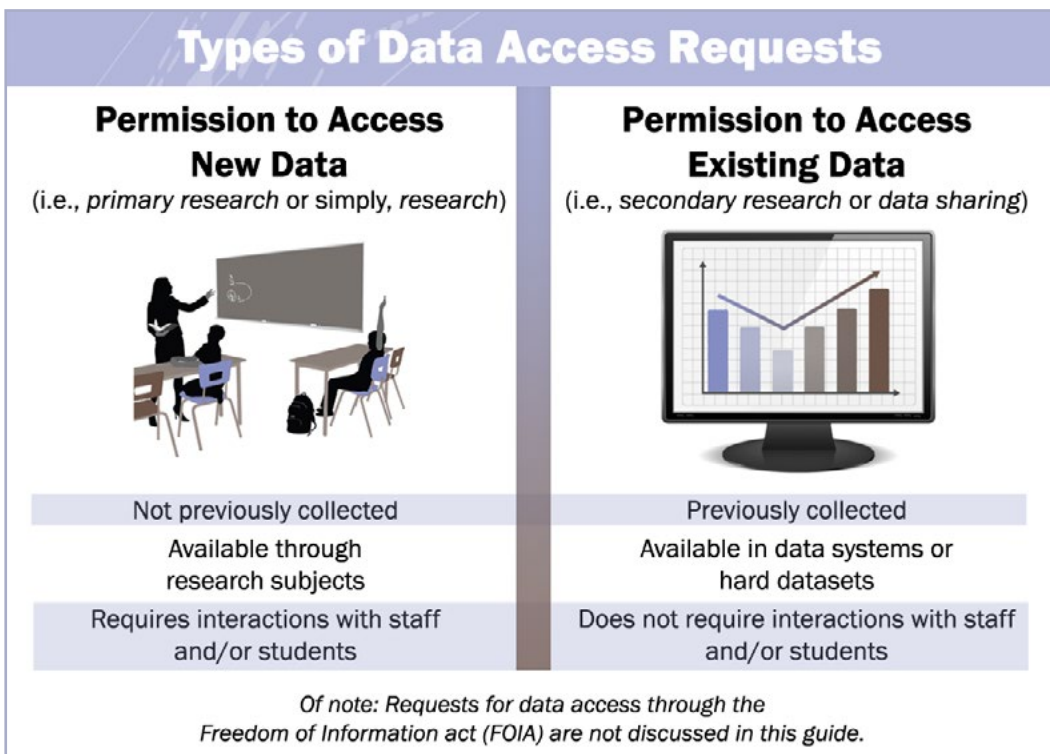



Figure 1. Requests for Access to New Data and Existing Data

The act of granting access to this type of data is also known as “data sharing.” Researchers who use existing data generally do not require interaction with students, staff, or schools, other than communications with staff responsible for sharing the data.

Conversely, requests for new data generally involve interactions with human research subjects and thus require permission to access staff and/or students in order to gather data. For example, researchers asking to collect new data may wish to engage in observations, focus groups, individual interviews, or surveys with students, teachers, school administrators, and other staff.

Ideally, education agencies use new and existing data to assess student achievement, allocate resources, and evaluate the effectiveness of instruction, curricula, schools, and staff. In many cases, this analysis is conducted by education researchers who have advanced



training in research and evaluation, statistics, or related methodologies. Sometimes other stakeholders—such as an academic researcher, a doctoral or graduate student (including LEA staff pursuing advanced degrees), a national or multinational research organization, community members, advocacy organizations, and public interest groups—also engage in education research.

## Developing a Research Agenda


Any collaboration with researchers should be predicated by a mutual understanding that the purpose of the research is to support the LEA in its efforts to educate students. To ensure this, an emerging practice is for the LEA to develop a research agenda that outlines its research priorities. The agenda—which could be in the form of key research questions—aligns with the LEA’s strategic plan and is a dynamic list that may be modified as the agency identifies new goals and priorities. This publicly available agenda will help to guide researchers in designing projects that meet the needs of the LEA.

LEA research agendas can help to reduce LEA workload and increase the likelihood that an LEA will be interested in supporting research.

Properly conducted research is based on both sound methods *and* quality data. When aligned with an LEA’s research agenda, research can provide many benefits to education agencies, including, for example, new information on the status of schools and students, improvements to research and evaluation methods, and technical enhancements to datasets. Ideally, LEAs that collaborate with researchers and assist them in aligning their projects with the LEA’s research agenda not only improve the body of academic literature on education, but also inform policy, advance pedagogy, and positively impact the education of individual students. Numerous other tangible benefits to education agencies can arise as well, including

- helping to fulfill an LEA’s information needs and research priorities as listed in the research agenda;
- supporting educators and policymakers in data-driven and research-based decisionmaking, including instructional and management choices that directly affect the quality of teaching and learning;
- providing access to experts who can design programs that include more robust analytical studies (e.g., with pre- and post-tests, pilots, and control and treatment groups);
- supplementing an agency’s research capacity and/or building the research skills of staff who will work alongside members of the research community while reviewing and servicing data access requests;
- gaining actionable insight that can improve student learning; and
- increasing the knowledge of the education community at large.

A clear research agenda helps both parties: the LEA receives useful research and a sound rationale for prioritizing requests, and the researcher can avoid proposing research that an LEA is unlikely to support. In order to solicit support and help in communicating the agenda to researchers, an LEA may wish to share its research agenda with research advisors and administrators at local schools of education.



LEAs that find it difficult to develop a research agenda may wish to adopt the research agenda of their respective SEA or Regional Educational Laboratory (REL), if available.<sup>2</sup> (See Appendix B for an example research agenda.)

## Document Purpose

This document recommends a set of core practices, operations, and templates that can be adopted and adapted by LEAs as they consider how to respond to requests for both new and existing data about the education enterprise. These recommendations reflect core best practices for

- managing the flow of requests;
- establishing response priorities;
- monitoring appropriate methods and use;
- protecting privacy; and
- ensuring that research efforts are beneficial to the education agency.

LEAs vary tremendously in their needs, circumstances, structure, and settings—yet core practices apply to the vast majority of education organizations. When organizations adapt or adopt recommended core practices, they

- invest in efficiencies that can lower operational costs and improve operations;
- confirm that existing policies meet expected standards and regulations;
- contribute to a body of best practices that advance the field of education data;
- increase the academic benefit of research findings to students, staff, and schools;
- support data-driven policy decisions and evidence-based actions in LEAs; and
- contribute to the development of data-sharing standards, which has advantages for both education agencies and researchers.

It should be noted that a corollary, but significant, benefit to following core practices when supporting research is the improved relationships between LEAs; individual researchers; and the colleges, universities, and policy organizations that frequently employ education researchers. Although taking time to establish a formal process for supporting appropriate data access may seem daunting, the outcomes of such an effort include reducing the overall burden of supporting research and minimizing risks of access control errors (e.g., data breaches, data misuse, and failure to provide appropriate oversight).


## Document Audience

The primary audience for this document is data policymakers and managers in LEAs who are generally responsible for managing and responding to requests from researchers for data access. These requests come from diverse sources, ranging from members of the

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<sup>2</sup> More information about Regional Educational Laboratories (RELs) is available at <http://ies.ed.gov/ncee/edlabs/>.





research community to advocacy organizations, the media, the public, and other parties interested in education data. An additional important audience for this resource is the research community that submits requests to LEAs (additional information for the research community is available in Appendix C).

This document is intended to help LEAs determine whether and how to voluntarily fulfill requests from researchers for access to new and existing education data, including confidential or otherwise restricted data. It does not focus on responding to requests for publicly available data or requests from legislators or other stakeholders who may be in a position to require a response from the LEA. Because this document focuses on LEAs, other stakeholders—including staff in SEAs—may be better served by the SEA version of this guide, *The Forum Guide to Supporting Data Access for Researchers: A State Education Agency Perspective*, available at [http://nces.ed.gov/forum/pub\\_2012809.asp](http://nces.ed.gov/forum/pub_2012809.asp).



# Chapter 1

## Effectively Managing Requests for Data Access

### Foundations for Supporting Data Access

Responding to requests for new data and existing data is a substantial undertaking that must be managed effectively given its demand on LEA resources and far-reaching implications on the quality of education research. After all, the accuracy and validity of research results are determined not only by the characteristics of the project's design and methods, but also by the quality and timeliness of any data provided by the education agency.

A fundamental step for an LEA wishing to maximize relationships with researchers is the development of a robust data access framework for sharing existing data and supervising the collection of new data. The establishment of a data access framework means that there is a common understanding of how data access is managed within the organization; how access decisions are made and by whom; and how data access should be implemented at an organizational level rather than being driven by a few individuals. This framework is the foundation for the process of responding to requests for access from researchers.

When responding to requests, LEAs should examine many features of a research proposal, including the purpose of the research as well as whether the researcher is requesting new data, existing data, or both. Questions may include

- Does the research align with the LEA's research agenda?
- Has the research been approved by the institutional review board (IRB) of the researcher's organization (or similar process)?
- What data will the research collect/access, and for what purpose?
- Are the desired data available through the agency?
- Are the desired data appropriate to address the research question(s)?
- Which Family Educational Rights and Privacy Act (FERPA),<sup>3</sup> Protection of Pupil Rights Amendment (PPRA),<sup>4</sup> and National School Lunch Act (NSLA) considerations apply to the data that have been requested by the researcher?

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<sup>3</sup> For more information about privacy, refer to the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.

<sup>4</sup> More information on the Protection of Pupil Rights Amendment (PPRA) is available at <http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html>.



- Which data need to be masked, de-identified, or otherwise altered to protect individual privacy?
- What is the proposed project’s level of disruption to the data management and business processes of the LEA?

While responding to requests for any type of data is a substantial undertaking, managing requests to collect new data can be particularly daunting because of the LEA’s responsibility to closely supervise any personal interactions between researchers and research subjects.

Additional questions are specific to requests for access to new data, including

- What is the proposed project’s level of disruption to the learner and the learning environment?
- Will standards for the treatment of human subjects be upheld?

Establishing this critical information for evaluating a request will not occur through haphazard communications with applicants, but will instead be best addressed as a component of an organization’s formal system for managing how data access occurs.

*Data Governance:*<sup>5</sup> Data access occurs within the broader context of data governance and management practices in an education agency.<sup>6</sup> It includes establishing responsibility for individual data elements, datasets, and databases, and continually improving data systems through the institutionalized development and enforcement of policies, roles, responsibilities, and procedures. Data governance identifies master data sources (i.e., authoritative data sources) and defines responsibilities for the access to and maintenance of these data in order to safeguard their quality, integrity, confidentiality, and security. When establishing a data access framework, data governance must be expanded to ensure that the standards of the agency are upheld throughout the process. Best practices suggest the establishment of a data governance committee. The ideal committee is a cross-functional group that includes representation from IT and program leaders who understand the organization’s standards and expectations for data gathering and use. However, the implementation of a data governance structure is not an all-or-nothing effort; a continuum of data governance structures exists, and the implementation of a data governance structure in any form can improve data governance practices.

<sup>5</sup> For more information about data governance, refer to the PTAC Toolkit, available at [http://ptac.ed.gov/toolkit\\_data\\_governance](http://ptac.ed.gov/toolkit_data_governance).

<sup>6</sup> For more information about data governance and management practices, refer to *Traveling Through Time: The Forum Guide to Longitudinal Data Systems, Book III: Effectively Managing LDS Data*, available at [http://nces.ed.gov/forum/pub\\_2011805.asp](http://nces.ed.gov/forum/pub_2011805.asp).



## Challenges to Supporting Data Access

While appropriate data access presumably brings benefits to the field of education, granting access to the research community comes at a cost to the LEA. For example, in a larger LEA, responding to the growing volume of requests can become a full-time job for one or more staff members. In a smaller organization, staff resources may not exist at a level that is sufficient to thoroughly support requests. There are also very practical concerns about granting access to education data (e.g., confidentiality issues, data ownership, and the potential for misusing or misinterpreting data), especially when the agency staff is dealing with researchers who are unfamiliar with a district's data systems, data governance policies, and/or expectations for interactions with staff and students.


*Resource Allocation:* Providing researchers with access to data can be a substantial undertaking that involves considerable resources. Staff time required to establish a framework, access data, and manage and monitor requests can require a significant collaborative effort from the LEA. Staffing constraints in many local agencies can further intensify this effort. Moreover, out-of-pocket expenses can be incurred when meeting with researchers, reviewing requests (especially requests requiring legal review), and engaging in ongoing oversight of the research. The LEA must carefully consider the resources that can be allocated to supporting data access, and then establish policies that 1) focus those resources on high-priority issues (as identified by the research agenda) and 2) ensure that the program does not exceed the resources allotted to this core function. In order to reduce an LEA's workload, best practices suggest rerouting researchers to the data request contact at the SEA for any requested data that are available from a statewide longitudinal data system (SLDS). However, depending on data governance arrangements at the state level, the LEA may need to give prior approval for some types of local data to be released by the SEA.

*Data Limitations:* Much of the data in LEA data systems are statutorily protected by FERPA, NSLA, and state or local laws. Therefore, it is critical that the LEA consider the legal and ethical implications of data access. More practically, data collected by an LEA are intended for specific purposes (e.g., operations, reporting, and other educational functions).

When reviewing requests to access existing data, LEAs should also look for discrepancies between available data and the data the researcher needs to answer the research question(s). Similarly, it is important to make sure that researchers are aware of any known limitations of a dataset. Typical considerations include collection dates, definitions, code sets, and business rules. For example, federal race and ethnicity reporting requirements have changed over time. Therefore, best practices suggest that LEA staff explain to researchers the significance of this change in collection practices on the comparability of the data over time (i.e., before and after the change was implemented), and then verify the researcher's

Sound policies and processes governing access to education data can help to minimize the costs and risks commonly associated with data sharing and supporting access to primary research.





understanding of the limitation. Providing access to metadata can help to ensure that researchers are aware of these types of limitations to data use.<sup>7</sup>

Additionally, in the case of requests to access (collect) new data, the data the researcher intends to collect may be inappropriate even if the data collection tool does not fall under the sensitive topics outlined in the Protection of Pupil Rights Amendment (PPRA). For example, an LEA may disapprove a survey that covers locally sensitive topics, such as immigration. Even if the research question aligns with the LEA's research agenda, sensitivity can prevent the LEA from supporting the request.

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<sup>7</sup> Metadata, or “data about data,” are key tools for helping researchers to understand and use data. For more information about metadata, refer to the Forum Guide to Metadata, available at [http://nces.ed.gov/forum/pub\\_2009805.asp](http://nces.ed.gov/forum/pub_2009805.asp).

# Chapter 2

## Core Practices for Effectively Managing Data Access Requests

The core practices described below can contribute to a robust data access framework that includes policies and procedures for all aspects of the process: assisting researchers prior to the submission of a data access request through the completion of the research, the destruction of data, and the review and use of the research results by the LEA. These recommended core practices may be customized to best meet the data access, management, and security requirements of an education agency. Each core practice begins with a question and set of answers in support of the core practice, and ends with a list of action items. Each core practice is also intended to serve as a stand-alone document. As such, there is some redundancy in content across practices.

### **Data Access Core Practices**

The following steps contribute to a comprehensive workflow system for handling data access requests, and are each addressed in this section:

1. Help Researchers Understand Agency Data and the Data Request Process
2. Create Effective Request Forms for Researchers
3. Review Data Requests Strategically
4. Manage the Data Request Process Efficiently
5. Release Data Appropriately
6. Monitor Data Use
7. Use Research Findings in the LEA



## Core Practice 1: Help Researchers Understand Agency Data and the Data Request Process


### Why Should an LEA Help Researchers Understand Agency Data and the Data Request Process?

- Researchers may help the LEA advance its own research agenda.
- Researchers may not realize that an LEA may decline requests—even if the research is approved by the researcher’s institutional review board (IRB) and advisor/committee.
- Researchers may not use the same terms, standards, and formats as the LEA unless they have been trained to do so. Trained researchers are more likely to use data appropriately.
- Researchers may be unfamiliar with the agency’s application of the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment (PPRA), the National School Lunch Act (NSLA), contractual obligations, and/or other privacy and security safeguards.
- Transparency reduces errors arising from incorrect understanding of the data (e.g., researchers unaware that subgroup coding changed at some point within a longitudinal dataset).
- Transparency promotes clarity, collaboration, and efficiency by both partners.

By helping researchers better understand the LEA’s research agenda, the circumstances in which requests may be approved, and how to appropriately access data, researchers are more likely to access, interpret, use, and manage data appropriately. Ideally, LEA efforts to grant researchers access to new and existing data will result in the production of useful and valid information about education policies, processes, and practices. Unfortunately, this expectation may be unrealistic if researchers do not understand how to appropriately access data, and/or do not understand the data themselves.

One effective way of increasing a researcher’s knowledge, and thus helping to increase the quality of the research findings returned to the LEA, is to provide training materials. Materials that help researchers gain the skills and knowledge to efficiently request and access data can improve the research process and decrease the amount of LEA staff resources needed to provide data accessing services. Best practices suggest that training materials be made publicly available on a reference landing page (see Appendix K), and that this page be the single point-of-entry for researchers looking to collaborate with the LEA. Any LEA staff who are contacted by researchers should direct them to this landing page. Because of the technical and data expertise required to properly access, interpret, use, and manage data, prospective researchers should meet any and all training expectations set forth by the education agency—not as a courtesy, but as a requirement prior to receiving access. Best practices suggest that the LEA and researcher establish and maintain a dialogue throughout the research process.

Researchers who have previously accessed new or existing education data from another LEA, or who have worked with other education agencies, may believe that they are



already familiar with routine requirements and expectations for accessing data through any education agency. However, because procedures vary between agencies, processes and policies change over time, and expectations differ based on the type of data access requested, both experienced and inexperienced researchers can be expected to demonstrate their understanding of the specific processes and standards required by the agency. Providing a detailed description of all expectations will help to ensure that researchers are aware of their responsibilities for complying with policies for accessing, protecting, using, and managing data.


Whether requesting access to new or existing data, researchers need to understand agency data—an agency’s use of data terms, definitions, and coding instructions—as well as regulations that govern access to and interactions with students and staff (e.g., if the researchers propose to collect “new” data from these subjects). In order to more fully understand these policies, training materials should include relevant information such as practices affecting data collection, guidelines for appropriate access and use, and ways to accommodate any limitations or constraints. For LEAs that are unable to allocate the resources to prepare these materials, researchers can be referred to the SEA for data dictionaries and laws and regulations governing access to human subjects in schools, if available.

Additionally, researchers may be comparing new and/or existing data from the LEA to other data from across the spectrum of the education community, including early childhood education, K12, postsecondary, and labor force. Helping researchers obtain an in-depth understanding of LEA data is especially important because experts in these communities use terms that may, in theory, appear to be similar, but in practice are slightly misaligned or even widely divergent with common use in a K12 setting. For example, data elements about “discipline” used by universities often refer to academic fields of study (“my discipline is economics”), whereas “discipline” in elementary and secondary schools usually refers to approaches to modify behavior following an infraction of rules or other codes of behavior. Similarly, every university wants to increase its “retention rate” (a measure of how many students stay enrolled over time), while the K12 community works diligently to help students make sufficient academic progress so that their “retention rate” (the percentage of students held back to repeat a grade level) decreases.<sup>8</sup>

When developing training materials to prepare researchers, the LEA should consider the variety of ways to deliver these materials, whether through printed documents, a website, or training sessions. If providing training sessions, planners may wish to consider such issues as whether training will be optional or required, who pays for training costs, at what time during the request/access/use process the training would be most effective, how accomplishing the training will be evaluated (e.g., will there be an exam or other assessment with a required passing score), and whether it will be offered in-person

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<sup>8</sup> For standard definitions of data elements, refer to the Common Education Data Standards (CEDs), available at <https://ceds.ed.gov/>.



or online. Best practices suggest including faculty from regional institutions of higher education whose students are likely to request data access from the LEA. These individuals can then assist their advisees to design research projects, and colleagues to design assignments, in ways that can be supported by the LEA, thus helping to reduce the ongoing effort of training new researchers.

Training materials on the reference landing page ideally cover the following topics:

- *LEA Research Agenda*. By making the LEA's research priorities explicit, researchers can be encouraged to align their interests with the needs of the agency. Such alignment can promote collaboration between the researcher and the LEA, and result in research that is of use to both parties (see Appendix B for example research agenda).
- *Data Governance and Privacy Policies*.<sup>9</sup> A summary of relevant aspects of the agency's data governance program, including privacy and confidentiality safeguards and the requirements for parent consent forms (see Appendix D for example consent forms), will help researchers submit more appropriate requests. For example, a request for access to existing data that is informed by an accurate understanding of privacy laws such as the Family Educational Rights and Privacy Act (FERPA) and the National School Lunch Act (NSLA) will have a much better chance of being successful than a poorly planned request for personally identifiable information about students.<sup>10</sup> The summary should also include LEA policies related to accessing new data, such as
  - whether staff time and resources may be used to solicit research subjects (e.g., agency email, staff meetings, etc.);
  - whether researchers who interact directly with students need criminal background clearances;
  - whether research can occur during school hours; and
  - whether participating staff/students, classrooms, and/or schools may be compensated for their time.


By providing information to researchers on data governance and privacy policies, the LEA can reasonably expect that requests will meet baseline requirements required for review. Researchers, meanwhile, will better understand the differences between personally identifiable information (PII) and public data, and can tailor their requests accordingly. Researchers will also be in a position to build appropriate privacy and confidentiality safeguards into their research

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<sup>9</sup> More information about privacy and confidentiality is available in the following NCES publications: *Basic Concepts and Definitions for Privacy and Confidentiality in Student Education Records* (<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2011601>); *Data Stewardship: Managing Personally Identifiable Information in Electronic Student Education Records* (<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2011602>); and *Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting* (<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2011603>).

<sup>10</sup> For more information on privacy, refer to the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.





design, including statistical standards, suppression rules, and other techniques for preventing the inadvertent disclosure of private information. Researchers requesting access to existing data should also understand that, as a component of an LEA's privacy and confidentiality responsibilities, only data elements directly related to an approved research question can be released. While researchers may wish to have access to a multitude of indirectly related elements so that they can explore methodological options and alternative analyses, providing data for these purposes often violates privacy laws and policies. Thus, training materials should emphasize the importance of carefully defining research topics and requesting data access accordingly.


- *Ethical and Legal Responsibilities.* Well-designed research and data use adhere to a strict set of ethical considerations. Researchers should understand that the agency expects all researchers to follow relevant ethical standards related to, for example, interacting with human subjects, analyzing data and deriving results, and the publication and communication of findings. In addition to encouraging high ethical standards in research, an LEA can emphasize that researchers must comply with all laws governing the collection and use of education data, and can educate researchers on the LEA's policies around appropriate interactions with students and expectations for the monitoring of these interactions.<sup>11</sup> Laws pertaining to research at an LEA include, but are not limited to, the Protection of Pupil Rights Amendment (PPRA) and FERPA.<sup>12</sup> Before a researcher begins collecting new data, best practices suggest that the LEA require the researcher to complete a training program on human subject research.<sup>13</sup> It is also suggested that before accessing new or existing data, all researchers should be required to complete a data ethics training program, such as *The Forum Guide to Data Ethics Online Course*, available at [http://nces.ed.gov/forum/dataethics\\_course.asp](http://nces.ed.gov/forum/dataethics_course.asp).
- *Communications Responsibilities.* LEAs frequently require researchers to contact the agency if (or when) certain scenarios arise throughout the course of a research project. For example, most agencies expect researchers to notify the agency of any modifications to agreed-upon activities (e.g., a change in timeline, an interest in providing data or human subject access to another member of the research team, or alterations to approved methodologies and plans). Similarly, breaches of

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<sup>11</sup> For more information about data ethics, refer to the *Forum Guide to Data Ethics*, available at [http://nces.ed.gov/forum/pub\\_2010801.asp](http://nces.ed.gov/forum/pub_2010801.asp).

<sup>12</sup> More information about the Protection of Pupil Rights Amendment (PPRA) is available at <http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html>. For more information about the Family Educational Rights and Privacy Act (FERPA), refer to the Privacy and Technical Assistance Center's (PTAC's) webinar, *FERPA 101*, available at <http://ptac.ed.gov/Webinar-FERPA-101>.

<sup>13</sup> The Collaborative Institutional Training Initiative (CITI) offers an online course titled *The Protection of Human Research Subjects*, which is the most commonly used online training program for U.S. researchers. However, the researcher's organization must be a CITI member in order to participate in any CITI courses. The National Institute of Health (NIH) also offers an online course titled *Protecting Human Research Participants* through its Office of Extramural Research.



data security often trigger communications responsibilities. Such requirements must be made clear, and training should include not only the topics that warrant communication, but also the mechanisms (e.g., email, certified mail, verbal, etc.), contact person, and timelines for such communication.

- *Data Access Request and Evaluation Overview.* One of the benefits of formalizing practices for supporting data access is that information can be standardized and shared routinely with prospective researchers, thereby increasing the transparency of decisions made by the LEA and helping assure researchers that each request will be considered in a fair and timely manner. Once aware of the request and evaluation process, including preliminary review steps, researchers will be able to improve the planning and submission of their requests. For example, some LEAs combine multiple requests for existing data from a particular researcher into a single large request, which may require alternative data masking strategies—as more variables are requested and cell sizes are reduced, some of the data may need to be suppressed based on local policies. Alerting researchers to such a practice will help them plan their data access requests more thoughtfully.
- *Public and Internal Data Sources.* A summary description of an agency’s available data sources can result in more effective and efficient requests; although the agency may want to keep a thorough list for its own reference, a summary list for researchers can help prevent researchers asking for more data than needed. Such a summary will often include the name of various collection instruments, as well as a list of which data are collected, available, reported, and used in the agency. Many districts release annual reports and other public data files, including graduation rates, truancy rates, percentages of students receiving free or reduced price meals, and other data relevant to education researchers. Similarly, annual progress measures are often available at the school level and may be disaggregated by gender, race, grade level, and other common indicators. The LEA can refer researchers to lists of data made publicly available by the SEA and a link to the summary. Ensuring that researchers are aware of these public data sources and public tools (where available) can relieve the workload of LEA staff with respect to processing requests for access to data that are already available to the public.
- *Metadata.* Metadata, or “data about data,” are a key tool for explaining education data to external researchers. Metadata include definitions of data elements, coding options, and file layouts, as well as other characteristics of the data, such as usage guidance and business rules for accurate collection and reporting. Metadata are invaluable to stakeholders who need to use and apply data. For example, if a data element’s definition was changed in 2008, data users would benefit from knowing the nature of the change before attempting to compare data from 2005–2010. By accessing the metadata in an agency’s data dictionary


prior to drafting a research proposal or data request, researchers can become familiar with the definitions used by the agency.<sup>14</sup> Even for researchers who are only collecting new data, an understanding of metadata is beneficial for creating new datasets and using definitions that are already in use in the LEA and the K12 education sector in general. It may also be emphasized to the researcher that metadata may vary across LEAs, and to exercise caution if comparing or merging data from other sources as it may interfere with the validity of their results (see Figure 2 for examples of metadata items common for data reporting or use).

<b>Question: How many eighth grade English teachers are in your schools?<sup>15</sup></b>	
<b>Component</b>	<b>Issues to be clarified by metadata</b>
How many	Does “how many” refer to a head count or full-time equivalent (FTE) count?
Eighth grade	Does “eighth grade” include classes with seventh-, eighth-, and ninth-grade students, or just classes with only eighth graders?
English	Does “English” include reading and writing classes? Special education English language classes? Other language arts classes? English as a Second Language classes?
Teachers	Do “teachers” include only certified teachers? Only certified English teachers? Certified teaching assistants? Only teachers assigned to teach classes/students this grading period?
Are	At what point in time should the answer be valid? At the beginning or end of the current or previous school year?
In	Does this include teachers of students who are cross-enrolled in virtual settings? What if someone teaches English in more than one school—does he or she get counted more than once?
Your	Does this mean only schools under the authority of the state or local education agency, or does it include all schools within the boundaries of the state or locality?
Schools	Are special education schools included? Correctional institutions that grant educational degrees? Other residential facilities? Cross-enrolled virtual settings? Private schools? Charter schools?

Figure 2. Example Metadata

<sup>14</sup> For more information about metadata, refer to the *Forum Guide to Metadata*, available at [http://nces.ed.gov/forum/pub\\_2009805.asp](http://nces.ed.gov/forum/pub_2009805.asp).

<sup>15</sup> Excerpted from page 3 of *The Forum Guide to Metadata*, available at <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2009805>.

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- *Data Management Expectations.* Best practices suggest that researchers be informed of the ways in which an education agency can deliver existing data, including acceptable formats and media for transmission. It is also suggested that researchers be made aware of an LEA's requirements for appropriate data management, including confidentiality and security expectations, disclosure limitations, output rules (such as statistical methods for masking data), and obligations for data destruction at the conclusion of the allotted research time. Training materials may also address these processes and expectations, including circumstances under which penalties and sanctions can be levied against researchers who fail to appropriately manage, protect, or destroy data. Disciplinary consequences for researchers who misuse data should be specified and a list of researchers who have been cited for ethics violations should be maintained. Prior to approving requests, the LEA can contact its respective SEA to obtain a list of researchers (if available) who failed to follow the SEA's outlined expectations, or who have been reported by other LEAs.

By helping researchers better understand agency data and expectations for accessing new and existing data, an LEA makes an investment in sound and useful research. Assisting researchers in understanding the formal request process may also help to change researchers' expectations of an unreasonably fast response time. Researchers who understand agency metadata, who are aware of what data are accessible, and who are comfortable with procedures for appropriately accessing and using data are better prepared to conduct quality research that benefits the LEA and the broader education system.

#### **Help Researchers Understand Agency Data and the Data Request Process: Action Items**

- ✓ Create, promote, and use a research agenda. Post the agenda on the reference landing page, introduce the agenda to researchers upon first point of contact, and share the agenda with local colleges of education.
- ✓ Develop policies about training topics and requirements for researchers; identify those topics that are optional and those that are mandatory.
- ✓ Identify or develop resources (e.g., training materials) to help researchers better understand, request, and access new and existing data.
- ✓ Determine when communications would be most useful to researchers during the data request/access/use timeline.



## Core Practice 2: Create Effective Request Forms for Researchers

### Why Should an LEA Create Effective Request Forms for Researchers?

- Clearly communicating evaluation requirements ensures that researchers provide all of the information the LEA needs to evaluate their requests. The more effective the request form, the less burden there is on LEA staff during the evaluation of the request, and the less likelihood of unnecessary delays in the review process.
- Information collected in request forms is not only useful during the evaluation process, but also serves as the foundation for subsequent steps in the data access process (e.g., as the basis for data accessing agreements).

Creating standardized forms for researchers to use when submitting data access requests will streamline both the request and evaluation process. When designed and implemented wisely, request forms can help researchers accurately identify the data they are requesting and present the request in a format that concisely, yet comprehensively, describes their vision for a research plan. The key to streamlining the request process is to create forms that accurately capture the information needed by LEA staff to evaluate a request and to avoid creating a process that is too formal to support.


### Data Access Request Forms

Depending on the quantity of requests received, an LEA may wish to develop two types of request forms: a Preliminary Data Access Request form (see Appendix E for template) and a Full Data Access Request form (see Appendix F for template). By including information that is pertinent to new and existing data, the same forms can be used for both types of requests.

A Preliminary Data Access Request form provides a basic overview of the proposed research, allowing the researcher to introduce the LEA to a research plan without a significant investment in detail, yet ensuring that reviewers have enough information to assess whether the LEA will consider providing data access for the proposed project. The agency can respond to the preliminary request by refusing the request, suggesting changes that will improve the request, or inviting the submission of a Full Data Access Request form. The LEA may want to determine a process for resubmitting proposals and establish thresholds for quality and the limit for resubmissions of the same research project. When designing the Full Data Access Request form, best practices suggest that the LEA confirm that a typical response will provide enough information for the LEA to evaluate the following:

- *Significance of the Research Proposal*: Does the research address an important and/or practical topic?
- *Benefit to the LEA* (alignment with the LEA's research agenda): Does the research align with the LEA's specific research priorities? Will the research resulting from





the data access request inform the practices of the education agency, improve education, or serve some other function that is important to the agency?

- *Burden to LEA:* Will it be necessary for the agency to customize requested data (if requesting access to existing data), provide specialized training, or offer ongoing support for the research? Does the agency have the resources to support the proposed request, and will the benefit of the research justify the expenditure of resources? What resources will be needed for ongoing monitoring and periodic research audits? Is there a burden on students or staff who might be asked to participate in collection activities?
- *Validity of the Research Plan:* Is the researcher qualified to conduct the study? Are appropriate methods proposed for answering the research question? Will the plan yield valid results?
- *Data Needs:* Has the researcher identified the data needed to conduct the research? Do all data requested/to be collected directly support the research proposal? Does the agency have the requested data, and/or are they collectible from the agency's staff/students? Is access permissible with respect to legal, policy, and ethical considerations?
- *Timing:* Can the agency meet any time constraints related to the request?
- *Adherence to Policies:* Has the researcher requested and received data access previously? If so, did the researcher abide by the LEA's data access policies and agreements?
- *Compliance with FERPA, PPRA, and NSLA:* Is the research proposal compliant with the Family Educational Rights and Privacy Act (FERPA),<sup>16</sup> the National School Lunch Act (NSLA) confidentiality guidance, and the Protection of Pupil Rights Amendment (PPRA)?<sup>17</sup>
- *Background Check:* If accessing new data, have the researchers who will enter school buildings and/or interact with students met the LEA's requirements for security clearance? (Local or state policy may require criminal record checks, child abuse history clearances, and/or FBI federal criminal history checks).


The Full Data Access Request form should build upon the preliminary form (if one is in use) and require enough additional information to fully describe the proposed request. In doing so, it becomes the basis for next steps in the data accessing process, including the completion of the following standard forms and agreements:

- *Data Accessing Agreement:* The Data Accessing Agreement builds upon the information included in the Full Data Access Request form. It should describe

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<sup>16</sup> For more information about privacy visit the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.

<sup>17</sup> More information about the Protection of Pupil Rights Amendment (PPRA) is available at <http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html>.



the purpose of the data access, justification for the research, plans for conducting the research, and all of the terms and conditions governing the subsequent access to data. Moreover, a Data Accessing Agreement should include a list of data elements and, for existing data, the collection years that will be shared, as well as confirmation that the research is in compliance with FERPA and, if applicable, with PPRA and NSLA. A sample Data Accessing Agreement template is included in Appendix G.

- *Agreement Modification*: Significant changes to the research will necessitate a modification to the original Data Accessing Agreement. An Agreement Modification form allows researchers to submit their proposed changes to a research or data use plan for LEA review and consideration. A sample Agreement Modification template is included in Appendix H.
- *Personal Access Agreement*: A Personal Access Agreement establishes the responsibility of the researcher to maintain the confidentiality of any data to which access is granted. A sample template for a Personal Access Agreement is included in Appendix I.
- *Certification of Data Destruction*: Submission of this form confirms that the researcher has destroyed all restricted data according to the requirements of the LEA and as specified in the Data Accessing Agreement. A sample Certification of Data Destruction template is included in Appendix J.

The templates for each of these forms (available in the appendices of this document) are based on current practices used by LEAs, SEAs, and national organizations. Each form is designed to build upon the information required in the previous form—for example, the Data Accessing Agreement encompasses aspects of the Full Data Access Request form, and the Agreement Modification is designed to build upon the information included in the Data Accessing Agreement.

While these templates are designed to be widely applicable in education agencies, they may be applied differently in various organizations depending on the nature of proposed research projects. For example, it may be insufficient to have forms signed by only the principal investigator or lead researcher if a research project will employ a team of staff members that may have access to requested data and/or human research subjects. Under such a scenario, Personal Access Agreements and Data Accessing Agreements can be signed by all members of a research team, and the education agency can require that any new hires be trained on privacy laws and standards before signing the forms. In such an example, LEAs may wish to require an agreement with the researchers' organization (e.g., a university) to help ensure responsible oversight at an institutional level.



### **Create Effective Request Forms for Researchers: Action Items**

- ✓ Identify the information needed by the LEA to evaluate data access requests, and then design forms that are likely to generate this information in an efficient manner. Commonly used forms include
  - Preliminary Data Access Request form (see Appendix E for template);
  - Full Data Access Request form (see Appendix F for template);
  - Data Accessing Agreement form (see Appendix G for template);
  - Agreement Modification Request form (see Appendix H for template);
  - Personal Access Agreement form (see Appendix I for template); and
  - Data Destruction Certification form (see Appendix J for template).
- ✓ Consider the use of a Preliminary Data Access Request form to minimize the burden on prospective researchers while still providing adequate information for an initial review of the request.
- ✓ Design and implement a Full Data Access Request form that requires all of the information needed for the request to be evaluated (and allocates adequate space for the researcher to provide all of the necessary information).

## Core Practice 3: Review Data Requests Strategically

### Why Should an LEA Review Data Requests Strategically?

- Research proposals should reflect the priorities of the agency, align with LEA policies, and warrant staff time to fulfill.
- Research projects should be properly designed.
- The LEA may not have data or research subjects that are appropriate for the proposed research plan.
- Not all requests can be ethically or legally fulfilled.

Receiving and reviewing requests for new and existing data can be an exciting aspect of engaging researchers, but it can also be a significant burden on an LEA. Core Practices 1 and 2, discussed above, can help ease the burden by streamlining the process. When reviewing requests, LEAs not only have an opportunity to assess whether the data accessible through the LEA will benefit the research plan, but also how the proposed research can be harnessed to improve the agency's broader policies, the research agenda, and operations (and even the education enterprise in general).

### Strategies for Receiving Requests


In the recent past, requests for data access were often serviced by the LEA program office that fielded the inquiry. In other words, a request to access special education data might be received, reviewed, and, if approved, fulfilled by the special education department without the involvement of any other staff in the agency. Although this is generally a less common problem with requests for new data, it sometimes occurs when a staff member already has access to students and therefore may not follow the LEA's official process for conducting research (e.g., a teacher pursuing an advanced degree and administering research surveys to their own students). With the implementation of more formal data governance structures in recent years, requests are increasingly expected to be channeled to a centralized point of contact, as communicated on the LEA's reference landing page (see Appendix K), so that all requests are evaluated in light of standard procedures (i.e., research agenda, data governance, and data sharing policies).

In order to preclude unapproved use of new and/or existing data by LEA staff, the policy and central point of contact should be communicated to all LEA staff and posted on the reference landing page. It should be emphasized that LEA staff members are expected to follow the agency's request process as unauthorized access to, collection of, and/or use of new or existing data is most likely a violation of the Family Educational Rights and Privacy Act (FERPA),<sup>18</sup> Protection of Pupil Rights Amendment (PPRA), and/or the National School Lunch Act (NSLA), local confidentiality policies, and an LEA's acceptable use policy of technology. Even if staff may already be able to access the data needed for their research,

LEA staff members conducting research at the agency should not be exempt from the agency's official data access request process.

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<sup>18</sup> FERPA permits access to and/or disclosure of PII from education records to an outside party without consent in some circumstances (e.g., health- or safety-related emergencies). Refer to § 99.37 of the FERPA regulations. For more information about privacy, visit the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.



they need permission to use the data for research and/or collect data from students and staff.


### **Review of Responsibilities**

Several methods of reviewing requests are commonly used by education agencies, including staff review, data steward review, research specialist review boards, and legal counsel review. Agencies sometimes rely on a single review standard or, alternatively, integrate multiple methods depending on available resources, organizational structure, agency size, and the nature and volume of requests. The roles (e.g., research specialist, data steward, etc.) mentioned within each description below may not necessarily be the title of an individual position within an agency; instead, these roles are to be fulfilled by one or more people who may have another title.

*Staff Review.* A staff review involves one or more education agency staff members who are familiar with the organization’s research priorities and policies on data access, and who have been authorized to approve, deny, or amend a request. While a staff review is an efficient method of handling large numbers of requests, it is important to ensure that the staff review includes individuals who are qualified to make decisions that involve legal or ethical questions regarding data access, use, and disclosure—or that they seek the input of data stewards, research specialists, and legal counsel when questions arise regarding whether the agency is permitted to fulfill the request. The reviewer(s) should coordinate with the LEA departments that will either be impacted by or benefit from the research efforts. For example, English Language Arts instructional staff might be included in the review of a reading-related study.

*Data Steward Review.* Another type of review involves data stewards—the agency’s data content experts. Within a data governance structure, data stewards are those individuals who are responsible for data quality. Because of their in-depth knowledge of data, including metadata, data stewards are well qualified to determine whether the agency has the appropriate data to fulfill specific data requests. Data stewards often have expertise concerning data in a particular program area, and since many requests cross program areas, it is important to ensure that review involves all relevant data stewards. While experts with respect to data, data stewards are not always empowered to determine the legal or ethical merit of research proposals. Although it is natural that data stewards will play a larger role in evaluating requests for existing data, best practices suggest soliciting their input when reviewing requests for new data (conducting research) as well.

*Research Specialist Review.* Research specialists are experts in research methodology who are responsible for the quality of all research conducted within an LEA. This individual or office is often the primary contact for all research initiatives, including requests for new and existing data. Unlike data steward reviews—which identify data quality issues in research proposals—research specialist reviews determine the appropriateness of the proposed research methodology and approach. Although all LEAs may not be able to fill the research



specialist role, best practices suggest that the role be filled by an administrator who has significant research experience.

*Review Boards:* Review boards, including data governance committees and institutional review boards (IRBs), are usually comprised of high-level administrators and staff who are trained to evaluate requests based on a strict set of ethical guidelines (especially when human subjects are involved in a research plan). While K12 education agencies have not traditionally relied on IRBs (or similar processes) to the degree that they are used in research universities, they or similar institutional oversight committees can be established in any organization. When reviewing requests approved by the IRB of a researcher's institution, the LEA should consider that the IRB does not review for FERPA compliance (and, even if it did, FERPA application differs between institutions of higher learning and K12 agencies).

*Legal Counsel Review:* Legal counsel review is necessary when there are questions regarding the legality of a request—e.g., whether a request complies with all applicable laws and whether granting access to the new/existing data is required or prohibited by law, as well as the impact of contractual obligations or memoranda of understanding (MOUs) on the access to data. Legal review can be conducted as an independent form of review or in conjunction with other reviews, and may be a required step in some agencies.

Depending on the agency's evaluation protocols, some requests may require that the evaluation and/or approval be escalated within the organization, and best practices suggest developing an escalation process. If, for example, a data steward or research specialist is unable to determine the merit of a proposal, the escalation process might warrant that the decision be elevated to the superintendent. Similarly, if the superintendent has concerns about privacy restrictions related to a request, the review might be escalated to legal counsel. The paths for review and possible escalation vary and will depend on the nature of each request. Escalation may also become relevant when a request is denied, an applicant appeals a decision related to servicing a request, or based on the type of organization making the request. For example, requests from some types of organizations may be flagged as sensitive even if the research does not cover a sensitive topic.

### **Prioritizing Requests**

Requests to access data come from varying organizations and individuals, and although all requests should go through the formal process, the LEA may choose to differentiate between these requests based on their relationship with the researcher's organization. For example, foundations from which an LEA is receiving funds or an organization that an LEA is partnering with on a grant application may request data from an LEA—and these requests may be prioritized differently because they are likely to have a sponsor from within the LEA, such as a data steward or program specialist.

Education agencies considering data requests from university-affiliated researchers may require that a proposed research plan receive approval from a university's IRB prior to consideration by the agency.





Best practices suggest that vendors should not receive access to data by placing agreements within contracts; instead, they must also follow the LEA's official request process.

### Vendor Requests

Vendors sometimes also request access to data, but may try to circumvent the formal review process by placing these requests as conditions within service contracts with an agency (e.g., data may be collected about student performance on an online curricular resource). Therefore, the LEA should review vendor contracts for any agreements where vendors may request permission to use data that are supplied by the users of their products—and any directory data that the LEA has supplied—for their own analyses. It is also advised that the contract include language that governs who owns student data that are generated within the vendor's application (e.g., scores on a vendor-created test). The LEA should carefully review language in contracts and may ask for the contracts to be rewritten as needed prior to signing. Additionally, the contracts should also be reviewed for compliance to the Children's Online Privacy Protection Act (COPPA).<sup>19</sup>

As with any other data access request, vendors must go through the formal request process, and their research should be expected to align with the LEA's posted agenda. The LEA may also watch for any third-party organizations collecting data on behalf of a researcher; similar to vendors, these organizations are expected to follow the data access process.

### Conducting the Review

Before reviewing a request, it is often useful to confirm that the person or agency requesting access to new/existing data has already checked public sources for the data, even if the request is for "new" data (which may already have been collected but has not previously been identified by the requestor). In order to more fully understand a researcher's needs, some LEAs interview requesters in person or by phone as a standard step in the process of determining what data are needed, how they propose to collect the data (in the case of requests for new data), and how they propose to use the data. This level of personal communication between the LEA and the researcher can help to clarify questions that arise about the research plan, as well as any questions the researcher may have about the LEA's review and evaluation process.

The completed Preliminary Data Access Request form should help to assess the following types of questions:

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<sup>19</sup> For more information about the Children's Online Privacy Protection Act (COPPA), refer to the Federal Trade Commission's *COPPA FAQ*, available at <http://www.ftc.gov/privacy/coppafaqs.shtm>.



New Data		Existing Data
X	Does the research align with the LEA's research agenda?	X
	Does the associated SEA have the requested data? (If so, the researcher should pursue data through the SEA.)	X
	Does the LEA have the data readily available?	X
X	Is the LEA a compatible setting for the research and its methods?	
X	Can the LEA legally provide access to the data (e.g., does the request comply with FERPA, NSLA, and PPRA)?	X
X	To what extent does the study interfere with instructional time?	
X	If the researcher has previously been allowed to conduct research in the LEA, did he or she adhere to all agency requirements?	X
X	If the researcher is affiliated with a research organization, such as a university, does the researcher have approval for the project from the organization's IRB?	X
X	Has the researcher successfully completed all required training?	X
X	How will research volunteers be identified and solicited?	
	Does the LEA have the available resources to assemble the data within the timeframe needed by the researcher?	X

If the answers to these background questions are acceptable, the researcher's completion of a Full Data Access Request form—a more robust evaluation of the specific research request—discussed in Core Practice 2 (and presented in Appendix F) may be appropriate. The completed Full Data Access Request form should help to assess the following types of questions (if the LEA is not using a Preliminary Data Access Request form, then both sets of questions may be combined into a single Data Access Request form):



New Data		Existing Data
<b>X</b>	Does the research have practical use for the LEA?	<b>X</b>
	Have data needs been clearly and accurately described?	<b>X</b>
	Are the requested data appropriate for the stated research question(s)?	<b>X</b>
<b>X</b>	Has the researcher provided final copies of all data collection instruments? Has the researcher affirmed that <i>only</i> pre-approved materials can be used with human subjects in the agency?	
<b>X</b>	If collecting data from students, are the collection methods appropriate for the students' age, development level, and language proficiency?	
<b>X</b>	What is the impact of the data access on confidentiality and security assurances?	<b>X</b>
<b>X</b>	Has the researcher provided appropriate parental consent and student assent forms (see Appendix D)?	<b>X</b>
<b>X</b>	Does the topic require approval from other entities in the agency (e.g., the district superintendent or agency legal counsel) or from other agencies (e.g., early childhood or postsecondary institutions)?	<b>X</b>
<b>X</b>	Has the researcher obtained all required security clearances and/or credentials?	<b>X</b>

### Working with Outside Agencies

Many LEAs have found that the process of collaborating with other agencies is facilitated by the use of memoranda of understanding (MOUs), as well as written agreements specifically required when sharing data protected by NSLA and FERPA.<sup>20</sup> MOUs typically specify the rights and interests of each agency, the expectations for working together, and the responsibilities of each organization. When data from an outside agency are frequently included in requests submitted to LEAs, the establishment of an MOU can standardize methods for ongoing interagency collaboration.<sup>21</sup>


By linking education data with data from outside agencies, researchers can answer questions about education that go far beyond the classroom. Linkages between K12, early learning, and social services, for example, can provide insight into the factors beyond the school environment that influence education. Similarly, linkages between K12 schools,

All parties engaging in an MOU are bound to the agreement.

For example, an MOU in which an LEA agrees not to share data submitted by an outside agency means exactly that—the LEA may not disclose those data without explicit permission from its partner in the MOU.

<sup>20</sup> For a list of mandatory MOU elements under FERPA's "studies" and "audit/evaluation" exceptions, refer to the Family Policy Compliance Office's (FPCO's) *Guidance for Reasonable Methods and Written Agreements*, available at [http://www2.ed.gov/policy/gen/guid/fpcopdf/reasonablemt\\_d\\_agreement.pdf](http://www2.ed.gov/policy/gen/guid/fpcopdf/reasonablemt_d_agreement.pdf), and PTAC's *Data Sharing Agreement Checklist*, available at <http://ptac.ed.gov/sites/default/files/data-sharing-agreement-checklist.pdf>.

<sup>21</sup> Sharing data between agencies can have implications on student privacy rights. For more information about privacy, visit the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.



postsecondary institutions, and employers can provide considerable information about post-school outcomes. Therefore, requests for access to new and/or existing data from multiple agencies can inform important and useful research; however, such requests must be carefully managed, especially with respect to protecting the confidentiality of personally identifiable information and adhering to privacy laws such as FERPA and all other applicable laws related to the permissible uses of any of the data to be accessed. This issue has become even more critical as states establish P-20W data systems, linking data from early childhood programs, through elementary and secondary school, and into postsecondary education and the workforce.<sup>22</sup> When considering requests that involve data from outside agencies, best practices suggest that the outside agency be involved in the review process, and approval from each organization should be confirmed before data are released and/or before the researcher begins collecting data. Another best practice is to require the researcher to create a parental consent form that is an agreement between the outside agency and the parents (see Appendix D for more information on consent forms).

#### **Review Data Requests Strategically: Action Items**

- ✓ Determine a process for channeling requests to the appropriate office or offices in the agency, and post this process on the reference landing page (see Appendix K).
- ✓ Assign responsibility for each incoming request, including who is responsible for logging requests, confirming their receipt, and monitoring their progress through the process.
- ✓ Standardize a review method or methods, including establishing clear rules for escalating requests throughout the review process.
- ✓ Determine the participants and frequency of review team meetings and, if appropriate, publish a schedule of meetings.
- ✓ Establish a method for handling requests that cannot wait for a review team meeting.
- ✓ Develop guidelines for handling requests that involve data from other agencies. When appropriate, develop MOUs or other agreements in advance to guide the process.

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<sup>22</sup> For standard definitions of data elements, refer to the Common Education Data Standards (CEDs), available at <https://ceds.ed.gov/>.



## Core Practice 4: Manage the Data Request Process Efficiently

### Why Should an LEA Manage the Data Request Process Efficiently?


- Clear guidelines from the LEA can help researchers to design projects that are in compliance with LEA policies and that incorporate LEA expectations.
- It may be difficult to track the progress of new requests or to efficiently locate old requests without an organized tracking system.
- LEAs are legally accountable through Family Education Rights and Privacy Act (FERPA) regulations for recordation of the release of all personally identifiable data.
- It is recommended that LEAs have sound systems in place when documenting credentials that are needed to provide researchers with access to students and staff.

Data access requests are best managed in a consistent, transparent, and timely manner. To do so, rules and expectations must be clear and explicit, and the researcher must agree to abide by agency policies and positions.

### Establish Expectations for Researchers

Policies designed to govern researchers should accurately reflect the priorities and interests of the LEA (as outlined in the research agenda), clearly establish expectations for researchers, and effectively describe the process of having a data access request evaluated. Related guidance should be readily available to potential researchers on the LEA's reference landing page via the agency's website (see Appendix K). When establishing policies, the LEA can address who is eligible to conduct research with data accessed through the agency; timelines for data access; fee structures (if any); and expectations for professional interactions with human research subjects and data confidentiality, security, and destruction.

*Eligibility to Request Data:* Policies established by the data access framework can define who is eligible to request access to existing data (and at what level of detail they may request) as well as access to subjects in the district (e.g., students or staff) when trying to collect “new” data. Data access requests from members of the research community may come from a wide range of sources—for example, from an academic researcher who wishes to publish findings in a professional journal, a doctoral or graduate student, a national or multi-national research organization interested in education trends, or an advocacy group looking to support an education policy or political goal. Therefore, the LEA must determine whether specific credentials are required for researchers requesting access to particular types of data or human subjects. Eligibility may vary quite significantly depending on the nature of the request. For example, access to individual students or personally identifiable information (PII) on students will likely warrant a different level of scrutiny than a request for aggregate data in electronic form (without ever seeing students). Similarly, a request to hold student face-to-face focus groups will be reviewed with more caution than a request to administer an online survey to students.



The LEA may wish to develop formal relationships with representatives of universities at an institutional level rather than with individual researchers at institutions. Prior to permitting data access for individual researchers, the agency can require memorandum of understanding (MOU) signatures by representatives of the university or organization with which the researcher is affiliated. These high-level partnerships can expedite the data accessing process and ensure institutional oversight of the research. For example, an MOU between an LEA and a university could be drafted to ensure that if the researcher leaves his or her post, the university will be responsible for the security and confidentiality of any collected or shared data.

*Timelines for Data Access:* Adequate time must be given for the researcher to conduct the study without allowing unlimited, ongoing access to research subjects and/or agency data. As such, the LEA should require that a request include an estimate of the time required to complete the research. Without policies that limit the duration of data access and use, agencies may find themselves susceptible to researchers who continue to access data or research subjects over the course of many years—leading to ongoing risks, such as disclosure, without the benefits associated with the completion of a research project. Alterations to a research project, including the timeline, should only be allowed following the submission and approval of an Agreement Modification form (see Appendix H).

*Fee Structures:* Guidelines should also include information on whether the researcher will be charged for access to the data. Fees for fulfilling data access requests vary by district and organization. In some LEAs, for example, no fee is charged for any type of data access request; in other agencies, flat fees are applied to all requests for accessing data. In some agencies, fees are charged only when certain thresholds are met (e.g., requests that take more than one hour of staff time to service or research projects that require more than one hour of monitoring by a staff member). Other agencies charge fees when asked to format existing data in a specific way, even when the data are otherwise available on a public website. Whatever the situation, the LEA should be transparent about applicable fee structures.

*Expectations for Protecting Confidentiality and Security:* Agencies supporting data access for researchers are responsible for using “reasonable methods” to ensure that data protected by the National School Lunch Act and Family Educational Rights and Privacy Act (FERPA) remain confidential. It is essential that researchers be held accountable for meeting the standards of the education agency with regard to technological, procedural, and statistical methods for protecting the confidentiality of student information. Standards for data suppression, redaction, masking, de-identification, and other forms of privacy protection must be explicitly stated in the agency’s data sharing policies, and clearly communicated to researchers. Researchers should also understand their responsibilities with regard to how

Information about FERPA is available through the U.S. Department of Education’s Privacy Technical Assistance Center (<http://ptac.ed.gov/>).





the data can be accessed and stored, as well as any prohibitions to data matching and other efforts to re-identify records.<sup>23</sup>

### Track Data Access Requests and Use

Some LEAs receive hundreds of requests for data access each year. An automated tracking system can help to manage the workload of responding to these requests.

Good management practices suggest that an agency track the status and progress of all data access requests, from the point at which a request is received; through its review, rejection, or approval; the payment of any related fees; the delivery and receipt of existing data and/or the collection of new data; the publication of research findings (e.g., articles and reports); and the certification of data destruction. The database should also include the staff effort in terms of number of hours spent responding to the request and monitoring access. The management of this information is greatly facilitated by the use of an automated tracking system that permits authorized users to search records by researcher name, research topic, data access privileges, organizations and affiliations, publication titles and keywords, and other relevant components of data accessing practices. In addition to tracking each request, it is good practice to keep a copy of any computer code (e.g., SQL code) and original output used to fulfill the request. Such a tracking system also expedites the logging and tracking of a request, escalation and routing of the request, and reporting and communication with individuals who have a stake in the request. While best practices suggest tracking all requests, it is especially important to track any requests that involve the release of PII, since recordation of such requests is a FERPA requirement for the LEA.

### Communicate with Researchers

Throughout the request process, researchers should have access to information about the agency's review of their request for data access. Timely communication with the researcher regarding the status of the request is appropriate until the request has been either refused or approved and fulfilled. The LEA may also find it advisable to provide researchers with predicted timelines for the process. The timeline should reflect reasonable estimates for when a researcher can expect to have a request evaluated and, if approved, receive access to data. The LEA may even wish to notify researchers when modifications to a request could help the response timeline. For example, it might be possible for an LEA to provide a researcher with a small dataset in a few weeks, whereas a large dataset might take several months. In the case of collecting new data, a researcher may be permitted to collect data from staff members while waiting for parent consent forms to be returned for students. Similarly, applicants should be aware of any deadlines governing the request process. For example, a review board that meets quarterly may only accept proposals for review up to one month prior to the meeting, whereas any proposals not received by the cutoff date must wait until the next quarterly meeting for consideration.

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<sup>23</sup> Data matching refers to the act of combining datasets to match one set of data with other data, with the possible direct or indirect consequence of disclosing personally identifiable information about individual students.



### **Manage the Data Request Process Efficiently: Action Items**

- ✓ Establish and clearly communicate eligibility criteria for researchers requesting data access.
- ✓ Develop a searchable system for internal use to track requests from the point at which a request is received; through its review, rejection, or approval; the delivery and receipt of existing data and/or the collection of new data; the publication of research findings (e.g., articles and reports); and the certification of data destruction.
- ✓ Determine how the LEA will communicate with researchers and share formative information about the review status of a data access request.
- ✓ Advise researchers about ways in which the request process can be streamlined (e.g., requests for smaller datasets may not take as long to service as requests for larger datasets).

## Core Practice 5: Release Data Appropriately

### Why Should an LEA be Careful to Release Data Appropriately?

- The LEA is responsible for the safety of its students during any interactions with researchers.
- The LEA may be asked to show documentation of its reasonable efforts to protect students during research activities.
- The LEA must ensure the security of the data it has allowed third-party researchers to access, including anticipating the possibility of stolen media, intercepted transmissions, and unethical data matching activities.
- Releasing data in a format that is readily usable by the researcher helps to ensure appropriate use of the data.
- Suppression, masking, de-identification, anonymization, or other methods of protection can have significant ramifications on the analysis and interpretation of the data. LEAs can help to ensure that researchers understand why and how the released data have been modified.


Once a data access request has been reviewed and approved, training expectations have been met, and the researcher has certified adherence to all requirements, the data are nearly ready to be accessed; however, different procedures apply for appropriately accessing new and existing data.

### New Data

Determining and enforcing “appropriate access” is especially important when a researcher proposes to have direct contact with students (or even indirect contact, as in the case of online survey instruments, for example). If collecting new data from students, the researcher needs to obtain written consent from parents (the Family Educational Rights and Privacy Act [FERPA] allows for students to provide their own written consent if they are 18 years or older or attend a school beyond the high school level) and oral/written assent from students. Similarly, prior to engaging staff in research, written consent from each participating staff member should be obtained. All staff/student consent forms and proof of student assent may need to be provided to the LEA before commencing research (see Appendix D).

Based on local policy, the LEA may wish to ensure that an agency staff member is present during research activities in order to monitor all interaction between researchers and students. Best practices suggest that this staff member be well versed in the legal and ethical parameters of such research methods. All safeguards and policies governing the interaction of non-staff members with students should be adhered to, and all interactions should be documented. Ideally, students will never be left alone in a room with a researcher.

For students who do not provide assent and/or parental consent, ethical research practices advise that alternative activities during the research period be equally attractive and require



the same amount of student time and effort, and that students who do not participate in the research receive the same compensation as participating students (if compensation is given).

### Existing Data


Although retrieving existing data does not put students and staff at risk of mistreatment, it can put their private information at risk of disclosure; therefore, standards and policies should be upheld to ensure data security. Data (and relevant metadata) should be provided in a format and media that have been explained to the researcher. Secure delivery and transmission are essential; therefore, when releasing data it is important that an LEA appreciate that unexpected events can occur once data have left the secure environment of the agency. For example, it is possible that a portable storage device could be stolen or that electronic delivery could be intercepted. It is also possible that a user could try to improperly combine datasets or otherwise attempt to match one set of data with other data, with the direct or indirect consequence of disclosing personally identifiable information (PII) about individual students. Any datasets that will be merged with the LEA's data should have been disclosed by the researcher in the Full Data Access Request form and Data Accessing Agreement (see Appendices F and G). Failure to notify the LEA of efforts to combine datasets should be considered a breach of these usage agreements.

Because the use of statistical and presentation methods can affect the analysis and interpretation of data, it is important that researchers be aware of the modified nature of any suppressed, masked, de-identified, and anonymized data they receive.

In order to protect data from these types of misuse, a wide array of technical and statistical tools have been devised to help protect the privacy and confidentiality of education data even after release. These include, for example

- *Suppression*: Removing sensitive information from a data report so that the report may be distributed to a broader audience without disclosing the sensitive components.
- *Masking*: Obscuring (masking) specific data elements within a dataset to ensure that sensitive data are replaced with realistic, but not real, data so that sensitive information is inaccessible to unauthorized users.
- *De-identification*: Removing or obscuring enough PII so that 1) remaining information does not identify an individual, and 2) there is no reasonable basis to believe that the information can be used to identify an individual (although a re-identification code may be securely maintained by the LEA to link back to the source data in order to add more information about individual students).
- *Anonymization*: De-identifying data without a re-identification code so that there is not a way to link to original source records.

The type of media on which data are released is also important to data security. For example, email is considered secure only when data are appropriately encrypted and otherwise protected prior to attachment and delivery. Similarly, the exchange of physical media, such as portable storage devices, discs, and tapes, requires transport by entities that can effectively guarantee safe and secure delivery to authenticated recipients. Traditional



file transfer protocols (FTP) were not designed to be a secure mechanism for the safe movement of data, although secure FTP (SFTP) may be appropriate.

To minimize the security risks related to releasing restricted datasets to researchers, some agencies limit data access to safe, highly monitored locations such as research data centers, secure facilities in business or universities, or similar locations. The use of such sites can reduce the risk of confidentiality and security breaches for both researchers and the LEA. It is important to note, however, that researchers usually are not permitted to remove data from these types of secure sites, which can reduce the utility of the data. Depending on the needs of the LEA and its data characteristics, this type of site-based access can be required for all data access requests, or, as is often the case, may only be required for large or particularly sensitive datasets.

#### **Release Data Appropriately: Action Items**

- ✓ Create a checklist for review prior to releasing data in order to verify that the researcher has completed all mandated training, paid any required fees, and signed all required agreements.
- ✓ Establish procedures for providing the researcher with relevant metadata.
- ✓ If providing access to new data, ensure that an LEA staff member—who is qualified to evaluate and enforce the legality and ethics of research activities—monitors all interactions between students and researchers (according to local policy).
- ✓ If providing access to existing data, determine the format and media for releases, engaging in data protection activities when it is possible that released datasets could be matched to publicly available datasets or other data that are available to the researcher.
- ✓ Record all disclosures in compliance with expectation set forth in FERPA (policy available at <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>).



## Core Practice 6: Monitor Data Use

### Why Should an LEA Monitor Data Use?

- LEAs can ensure that researchers accurately present data tables in publications and other public releases, and that they do not inadvertently contain small cell sizes (counts of individuals represented in that cell) that would allow the identification of an individual.
- The sharing of photos, movies, or other images of students with third parties who do not have access privileges may violate privacy laws and policies.
- LEAs can confirm that data are properly stored and protected.
- By implementing a Data Accessing Agreement, researchers can certify that data were destroyed following use.
- Monitoring encourages clear and ongoing communication between the LEA and researcher.

Because an education agency's responsibility to ensure proper data use does not end after a researcher appropriately accesses the data, an LEA should commit to monitoring a researcher's management and use of the data, especially when personally identifiable information (PII) has been accessed. While monitoring is necessary to ensure adherence to all agreements, the process of monitoring should be pursued as part of a larger effort to encourage clear and ongoing communication between the LEA and the researcher.

### Confirm Adherence to Agreements

Data use should be limited to the purposes stated in the Data Accessing Agreement (see Appendix G), and should not be used for other research without explicit approval. Monitoring research enables the LEA to confirm that actual data use conforms to proposed use as approved by the agency. However, even well prepared researchers find that their research plans can change throughout the course of the research process. The LEA should be prepared to consider modifications to the initial Data Accessing Agreement—if such requests are justified and consistent with the overall purpose of the original research plan. Any such meaningful modifications should be formally requested by the researcher and reviewed by the LEA by means of an Agreement Modification form (see Appendix H).

An LEA may also choose to conduct security audits to confirm that data are properly managed and protected. If at any time agreed-upon storage and access-control processes are not being observed by the researcher or the security of the data are not sufficiently guaranteed, the agency is obliged to respond. Appropriate responses may range from requiring corrective action that addresses security deficiencies to terminating the project. In the latter case, the agency must retrieve any data previously accessed that could disclose PII about an individual student, and subsequent destruction of the data should be documented. Such a response could be specified in the agency's data sharing policies and





agreed upon in MOUs, Data Accessing Agreements, and Personal Access Agreements (see appendices).<sup>24</sup>

### Review Research Outcomes

Best practices suggest that research findings and proposed publications be reviewed at the conclusion of a research project, and prior to public release, in order to prevent the unintended disclosure of PII. The LEA may also wish to review the report for any locally sensitive content in order to inform the board and other administrators as needed.

Unfortunately, many researchers fail to contact the LEA after their research has been completed, let alone supply their findings. In an effort to prevent this, the expectation of receiving the completed research report should be included in the Data Accessing Agreement. Best practices also suggest that the LEA follow up with the researcher if there has not been any contact a year after the data was accessed. It should be noted that although this review is a recommended practice, it may be difficult to enforce and can create a substantial maintenance of effort for agency staff. For example, while it is in the best interest of the agency to review cell sizes in draft publication tables in order to confirm that suppression rules have been upheld, this task is labor-intensive and requires significant statistical expertise. However, whenever possible, it is suggested that an LEA take the time to review outcomes and offer researchers additional information that may clarify or otherwise improve their research.

### Confirm Project Completion and Data Destruction

A considerable amount of excitement accompanies the publication of research results and completion of a research project. It is imperative, however, that researchers engage in proper data destruction practices when a project is complete (although a researcher may be required by the institutional review board (IRB)—or a similar process—to keep de-identified research results, the IRB does not require researchers to keep data).<sup>25</sup>

Researchers should be informed of appropriate data destruction procedures via data access training materials, and such guidance should be consistent with all procedures described in the Data Accessing Agreement (see Appendix G). The Family Educational Rights and Privacy Act (FERPA) requires that the Data Accessing Agreement include the researcher's responsibility to destroy PII when the data are no longer needed for the specified purpose and to specify the time period in which the information must be destroyed. Several LEAs have implemented policies requiring researchers to actively certify, via a written email statement, that data have been destroyed as agreed upon. A template for a Certificate of Data Destruction is included in Appendix J.

Researchers sometimes want to maintain datasets over long periods of time because they might someday need to explain or defend their research. One solution to avoid the risks associated with this practice is for LEAs to store datasets for researchers, who may request access to the files should they be needed for future use on the same study.

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<sup>24</sup> For more information on the security auditing process, refer to the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.

<sup>25</sup> If de-identified research results are maintained, the LEA is responsible for checking that the results are in fact de-identified (as part of the FERPA requirement to ensure that proper data destruction processes take place at the end of the research project).



### **Monitor Data Use: Action Items**

- ✓ Confirm researcher adherence to agreements through project monitoring and data security audits.
- ✓ Consider reasonable modifications to the Data Accessing Agreement when the researcher submits the appropriate forms and justifies any modifications to the original request.
- ✓ Ensure that approved modifications are stored and tracked with the original request.
- ✓ Review research outcomes to prevent any unintended disclosure of personally identifiable information.
- ✓ Review any recordkeeping by the researcher to ensure that all privacy rights afforded to students and staff will be guaranteed.
- ✓ Confirm project completion and data destruction.

## Core Practice 7: Use Research Findings in the LEA

### Why Should an LEA Use Research Findings?

- Research findings only help an education agency when they are available to the agency.
- Research findings are only able to impact students if they are effectively implemented in the LEA (after critical evaluation of the implications).
- When research findings are regularly implemented, researchers will be encouraged to communicate findings in ways that are actionable for policymakers and practitioners


LEAs that provide data access to researchers have sometimes expressed a general disappointment that, too often, they never hear back from researchers after the research project is complete. Researchers, in turn, may be surprised to learn that the LEA is interested in knowing about the progress of their research and the results of their studies. While the Family Educational Rights and Privacy Act (FERPA) does not explicitly require the LEA to obtain research findings, the study's exception in particular requires that the researcher be working "for or on behalf of" the educational entity.<sup>26</sup> Without sharing findings, it is difficult to see how research could occur on behalf of an educational entity. If the LEA is thoughtful about specifying the expected benefits of the proposed research during request negotiations, and integrates those expectations into subsequent agreements, then a post project follow-up process is appropriate. In some cases, research results can be adapted or adopted by an agency for policy development, program review and improvement, or the resolution of technical and operational issues.

Without applying research findings in the LEA, education research cannot meet its intended outcome of positively impacting students.

Best practices suggest that—as part of the research agreement—once research findings are available, the researchers and LEA reconvene to decide if, and how, the findings will be communicated to stakeholders, including administrators, practitioners, and parents. In order to more easily implement findings, The LEA may require that, along with the report, the researcher supply the findings in other formats—such as a multimedia presentation or a written issue brief, using non-technical language—from which the agency can highlight information to present to stakeholders. The more easily findings from quality research can be communicated, the more likely they are to be implemented and eventually benefit students. Given that the original purpose of the research—and the LEA's purpose for supporting data access—is to benefit students, the ultimate goal of an education research project is unmet until it has a positive impact on learners.

One example of successful communication of research findings in an LEA is the American Institute for Research's (AIR's) and the University of Chicago's 2008 study on early warning signs for identifying potential high school dropouts in Chicago Public Schools. Included in the publications on the research findings was a guide titled *Developing Early Warning Systems to Identify Potential High School Dropouts*. The publication goes beyond

<sup>26</sup> For more information about privacy, visit the U.S. Department of Education's Privacy Technical Assistance Center (PTAC), available at <http://ptac.ed.gov/>.



simply sharing findings by offering actionable advice on developing school- and district-level early warning systems—thus helping to facilitate the implementation of their findings and increasing the likelihood of positively impacting students.<sup>27</sup>

### **Build Relationships with Researchers**

LEAs that are interested in developing a research agenda—including encouraging research that serves the goals and priorities of the LEA, using the results of research to improve educational practices, and developing mutually beneficial collaborations with researchers—should work to build relationships with education researchers and the organizations with whom they are affiliated. During the research process and through the release of findings, researchers should be expected to pursue an active, engaged, and collaborative relationship with the LEA, which benefits both the LEA and the researcher, and results in better research that is more likely to benefit students. (See Appendix A for an example of a successful collaboration between an LEA and research institution).

#### **Use Research Findings in the LEA: Action Items**

- ✓ Solicit results from researchers once research projects are complete.
- ✓ Encourage researchers to effectively communicate findings in ways that are easily disseminated to a range of stakeholders including policymakers, administrators, practitioners, and parents.
- ✓ Use the research findings to inform the work of the LEA.
- ✓ Build mutually beneficial relationships with researchers through ongoing communication.

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<sup>27</sup>The full issue brief is available at [http://www.betterhighschools.org/pubs/documents/IssueBrief\\_EarlyWarningSystemsGuide.pdf](http://www.betterhighschools.org/pubs/documents/IssueBrief_EarlyWarningSystemsGuide.pdf).





## Appendix A. Model of Success

### Jefferson County Public Schools and the University of Louisville

Kentucky's Jefferson County Public Schools (JCPS) took an innovative approach to supporting researchers through a partnership with the University of Louisville's College of Education and Human Development. In 2007, the two organizations created a program for JCPS teachers and administrators to pursue doctoral degrees that culminate in research around the LEA's strategic plan. In order to ensure a focus on practice, and not just theory, the doctoral program's leadership included a representative from the LEA's Data Management, Planning, and Program Evaluation Division, who—along with instructing courses—sits on the university's institutional review board (IRB).

The agreement between the two organizations and the high level of communication and coordination required of the partnership reduces many of the challenges common to more informal relationships between LEAs and research institutes. For example, many of the steps that LEAs take to inform researchers—such as communicating the research agenda—are embedded in the college's process for creating a research proposal. The approval process also overlaps across organizations: students first propose their research project to the University's IRB and then to the LEA's own, smaller IRB. LEA representation on the University's IRB helps to expedite the approval process within the LEA.

Some of the other redundancies that researchers generally experience when working with their research institute and an LEA are also reduced. For example, JCPS helped to construct the cohort's coursework, which includes training in data use, statistical analysis, human subject protection, and research methods. Having already approved the college's training, the LEA does not supplement the researchers with its own training and materials. The organizations also combine their efforts to oversee the research: staff members from the LEA and college regularly monitor progress to ensure that the research is implemented appropriately and as outlined in the research proposal.

JCPS has found the work produced by participants in this program to be of a higher quality than most of its research partnerships, and at the end of the first cohort, seven of the 17 dissertations were published in academic journals. The LEA also reports that researchers are more motivated throughout the process because of the focus on keeping the work relevant and grounded in practice within its schools.

For researchers who are not part of this doctoral program, the landing page for the JCPS Data Management, Planning, and Program Evaluation Division includes links to a research agenda, a data request management system, and a tutorial for entering data requests.<sup>1</sup> Using the data request management system, researchers create an online account to initiate contact with the department and begin the application process to access new and/or existing data in the LEA.

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<sup>1</sup> The JCPS Data Management, Planning, and Program Evaluation Division landing page is available at <http://www.jefferson.k12.ky.us/departments/acctresplan/DataMgmtResearch.html>.







## Appendix B. Example Research Agenda

*The following example of a local education agency research agenda was provided by Montana's Bozeman School District #7.*

### **Bozeman Public Schools Research Agenda**

The Bozeman School District #7 has developed a research agenda based on our Long Range Strategic Plan and improving educational opportunities and academic achievement for our students. Research conducted in the Bozeman Public Schools or with its resources must be justified in terms of the anticipated benefit to the District and not merely to the advancement of knowledge. BSD7 encourages research in the following areas:

#### Technology

- Student Engagement
- Student Achievement
- Instructional Strategies
- Impact of differentiated classroom activities on student growth
- Hybrid Classrooms (Flipped classrooms or Blended Model)
- Distance/Virtual Learning
  - Access
  - Student achievement
  - As a strategy for drop-out prevention

#### Dropout Prevention

- Effectiveness of Intervention Strategies
- Early Warning Systems

#### Gifted and Talented

- Engagement
- Retention
- Student Achievement

#### Professional Development, Supervision, and Evaluation

- Instructional Coaches
- Sustainable change/building teacher capacity through embedded PD/Instructional Coaching Model
- Teacher Leadership models
- Teacher Evaluation
- Principal Evaluation

#### Common Core State Standards/Next Generation Science Standards

- Effectiveness of specific instructional strategies
- Effects on academic achievement

#### Dual Enrollment

- Trends
- Student achievement

#### Performance-Based

- Instruction
- Grading
- Reporting

#### Special Education

- Direct Instruction program effectiveness for Students with Disabilities
- Common-core workshop based instruction; effectiveness for Students with Disabilities
- Specialized (behavior/life skills) versus generalized program structure





## Appendix C. Information for Researchers

This appendix offers researchers additional guidance for understanding the data access request process in local education agencies (LEAs). Researchers should note that this book consists of guidelines for LEAs; therefore, policies for supporting data access will vary between agencies. Researchers are expected to follow the policies of the LEA from which they are requesting data access.

Researchers should be aware that LEAs are not required to support their requests for data access. Therefore, it is suggested that researchers make an effort to adhere to the LEA's request process.

### Guidelines for Researchers

- In order to increase the likelihood of approval, study the LEA's research agenda and engage early in concept development with the LEA, and ideally before institutional review board (IRB) review. An LEA may deny requests even if a project is approved by a researcher's IRB/committee.
- Prior to requesting data access, check to see if the data are accessible through the state education agency (SEA) or through the LEA's public data dashboard (if one exists). Data definitions may also be obtained through the SEA.
- Request access to the exact data that are needed for research; discrepancies between data requested and data needed may cause the request to be denied.
- Keep in mind the conditions that are applied to gain access, and follow any applicable restrictions. Create consent and assent forms that are readable and appropriate for the parent/guardian and student/staff (see Appendix D). LEAs review these forms and often ask for modifications before granting access to data.
- Consider the length of an LEA's review cycle when planning research studies and submitting requests. Also consider any windows when requests will be ignored, preferred submission windows, and submission deadlines.
- When requesting new data, plan additional time for security clearances as they can take several weeks to process. LEAs may require that these clearances be available before reviewing requests.
- When requesting existing data, understand the LEA, its available data, and data limitations. Make feasible requests that match available datasets. For example, request grade spans that match the LEA's grade spans.
- During the research process and through the release of findings, pursue an active, engaged relationship with the LEA. The relationship between researcher and LEA should be collaborative and should not be limited to status updates from the researcher.





## Appendix D. Consent/Assent Form Guidance

Informed consent is the foundation to ethical research. This appendix offers guidance for local education agencies (LEAs) posting consent/assent requirements and reviewing sample forms submitted by researchers.<sup>1</sup> It also offers guidance to the researchers creating these forms. These recommendations should be considered in light of state and local policies.

Forms should ideally be written in a way that includes non-technical language appropriate to the intended audience's reading level; it is recommended that parent forms be written at a 6th grade reading level, or lower as needed. In many LEAs, the researcher is responsible for translating the forms for any parent/guardian that has indicated a preference to receive communications in a language other than English. Best practices suggest that all forms include the following items:

- the purpose of the study;
- expected benefits to the LEA and/or individuals;
- duration of the researcher's access to student data and/or research subjects (i.e., one-time or date when limited use/access will end);
- an explanation of any personally identifiable information that will be accessed by the researcher and the methods that will be used to maintain the data's security;<sup>2</sup>
- the procedures for anonymity and confidentiality;
- any compensation offered to the participant, classroom, group, and/or LEA; and
- contact information for any inquiries.

Additional practices are specific to the type of data being accessed:


- *Staff/student participation in a research activity (the collection of new data)*. The collection of new data requires particular care as it involves interactions with human subjects. In addition to the bulleted points above, consent forms for the collection of new data should include
  - a specific description of activities in which subjects will participate;
  - the amount of time required for participating in activities;
  - a statement that the participant has the right to withdraw at any point during the study; and
  - any risks to the subjects.

For students under 18 years of age participating in a research activity, parental consent and student assent are required (students under 12 years of age may offer oral assent instead of written). Students 18 years of age and older are legally permitted to complete their own consent form, and staff members participating in a study are also required to complete consent forms. If using audio/video recording devices, additional consent is required, including a separate statement and signature. Note that under the Protection of Pupil Rights

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<sup>1</sup> Consent applies to individuals 18 years of age or older, and assent is used when the participant is legally unable (under 18 years of age) or lacks the understanding to offer full consent.

<sup>2</sup> If requesting student-level information on free and reduced lunch eligibility status, the explanation should include if the household/individual-parent income will be released.



Amendment (PPRA), parents have the right to view any survey tools that will be used to collect data from their child.<sup>3</sup>

- *Release of student/staff data to the researchers (existing data).* Data sharing does not always require consent/assent, such as when requests are made for aggregate data (where individuals are not identifiable) or when the request for personally identifiable information (PII) is permissible under the applicable privacy laws and regulations. For example, the Family Educational Rights and Privacy Act (FERPA) typically requires written consent from parents/guardians and “eligible students” (students who are at least 18 years of age or older, or who are attending a postsecondary institution) before PII from education records may be disclosed. However, FERPA permits an educational agency or institution to disclose PII from a student education record if the disclosure meets one or more of the conditions outlined in 34 CFR § 99.31. The four main FERPA exceptions relate to directory information, school official (schools and LEAs only), studies, and audit/evaluation. Although FERPA does not specifically protect teacher and other staff records, it is a best practice to evaluate teacher-student data links to determine the potential risk of identifying individual students indirectly through information about teachers. Additionally, LEAs may not release student-level data regarding eligibility status for the USDA’s free and reduced price meals, which may only be used for the intended purpose of determining eligibility for meal benefits unless informed, written consent is obtained from a parent/guardian. Pertinent USDA statute allows the use of this confidential information in very limited circumstances.<sup>4</sup> Other federal, state, and local laws and regulations (including, but not limited to, the Health Insurance Portability and Accountability Act [HIPAA] Privacy Rule, the Gramm-Leach-Bliley Act, and the Individuals with Disabilities Education Act [IDEA]) may also protect student records.

LEAs should review all forms before they are sent to recipients. Researchers are often unfamiliar with the practice of writing consent/assent forms, and they may need to submit several iterations before receiving approval from an LEA. LEAs can help to reduce the work of reviewing multiple iterations by posting sample consent forms and any expectations for content, clarity, and formatting.

For more information on written agreements, see *Guidance for Reasonable Methods and Written Agreements* ([http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd\\_agreement.pdf](http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf)) by the Family Policy Compliance Office (FPCO) and PTAC’s Data Sharing Agreement checklist (<http://ptac.ed.gov/sites/default/files/data-sharing-agreement-checklist.pdf>).

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<sup>3</sup> More information about the Protection of Pupil Rights Amendment (PPRA) is available at <http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html>.

<sup>4</sup> For more information about disclosure of National School Lunch Program (NSLP) information, refer to “Part 7: Confidentiality and Disclosure” of the USDA’s *Eligibility Manual for School Meals*, available at <http://www.fns.usda.gov/cnd/guidance/EliMan.pdf>.





**Sample Parental Consent Form (request for primary and secondary research)**

Adapted from: Madison Metropolitan School District (<https://infosvcweb.madison.k12.wi.us/erc03>)

[Insert Sponsoring Institution's Letterhead]

[Date]

Dear Parents,

We would like to include your child in a research project on the development of language comprehension skills in children and teenagers. This study will be conducted by researchers from [name of Sponsoring Institution].

Each student will participate in four sessions throughout [month(s) and year]. All sessions will be held in a room in your child's school during non-instructional hours (e.g., before or after school, lunch, recess, etc.). The four sessions will be held on different days. Each session will last [insert estimate of time]. Each session will involve either audio or video taping of your child engaged in language development activities.

To help us in our research, we also would like permission to access information from your child's school records. This information will consist of scores from standardized cognitive tests; information about possible problems in hearing, vision, and physical mobility; and information about the causes of your child's learning difficulties (e.g., whether these problems are due to a learning disability).

It would be helpful if you could complete the brief questionnaire entitled [insert title], which is attached. Completion of this questionnaire is optional. If you would like, your child can participate in the project even if you do not complete the questionnaire.

Only the researchers will have access to the information collected in this project, which will be kept in a secure data warehouse at the research institution for one year. Neither your name nor your child's name will appear in any reports of this research. You have a right to review a copy of any survey, questionnaire, checklist, etc., being administered to your child.

Participation in this project is voluntary and involves no unusual risks to you or your child. You may withdraw your permission at any time with no negative consequences. Your child can refuse to participate or withdraw from the project at any time with no negative consequences (e.g., their grades, right to receive services, etc.).

Your child's participation in the project will help us develop better methods of identifying and treating language comprehension problems that may hinder a child's academic progress, and the tools used for treatment will continue to be available for use by your student's teacher after the research is complete.

[continued]



If you agree to let your child participate, please indicate this decision on the following page and mail that back to us in the postage-paid envelope provided. A detailed description of the project is attached in case you need more information before deciding. If you complete the [insert title] questionnaire, please include it in the postage-paid envelope as well.

If you have any questions about this research or would like to review the (survey, questionnaire, checklist, etc.) prior to providing consent, please feel free to contact me at XXX-XXXX or my supervisor, [name of supervisor/advisor], at XXX-XXXX. If you have questions about your or your child's rights as a research subject, you may contact the [name of Sponsoring Institution] Institutional Research Board at XXX-XXXX.

Sincerely,

[Researcher's Name]

Please indicate below your decisions regarding the various parts of this research project:

I give my permission for the items checked "Yes" below:

\_\_\_\_\_ (Parent/Guardian printed name)

\_\_\_\_\_ (Parent/Guardian signature)

\_\_\_\_\_ Date

**Yes      No**

\_\_\_\_\_ My child's participation in this research project.

\_\_\_\_\_ Interviewing my child's teacher.

\_\_\_\_\_ Obtaining information from my child's school records.

I give my permission for my child's responses to be recorded in the methods checked "Yes" below:

\_\_\_\_\_ (Parent/Guardian printed name)

\_\_\_\_\_ (Parent/Guardian signature)

\_\_\_\_\_ Date

**Yes      No**

\_\_\_\_\_ Videotaping of my child.

\_\_\_\_\_ Audiotaping of my child.

Please return this page in the postage paid envelope.

## Appendix E. Preliminary Data Access Request Form

# LOCAL DEPARTMENT OF EDUCATION

Mailing Address  
Telephone  
Web URL/Email Contact

### Preliminary Application to Obtain and Use Confidential Data

#### **LEA Instructions for Modifying Template**

The form's Submission Instructions should:

1. Identify research priorities that would receive priority attention
2. Include considerations for reimbursement of costs that would affect agency decisions
3. Identify submission windows (e.g., some agencies specify submission windows at key points during the year)
4. Outline organizational requirements associated with the template
5. Specify content limits (e.g., limits on the number of words for certain items)
6. Provide transmittal instructions (e.g., number of copies, regular or registered mail, electronic)
7. Provide any guidelines on limitations (e.g., font type and size)
8. Specify mandatory attachments (e.g., appendices, curriculum vitae)
9. Specify permissible attachments (e.g., brochures, letters of support)

Date:

Control Number: (TBD - Assigned by Agency)

#### **Section I - Transmittal Letter**

- a. Brief outline of proposed research
- b. Brief outline of data to be requested
- c. Benefit to the local education system and/or alignment with local education goals
- d. Key timelines for research
- e. Summary of qualifications

#### **Section II - Requestor Information**

- a. Name and title of requestor/principal investigator
  - i. Brief biographical sketch/summary of qualifications
  - ii. Research funder
  - iii. Research sponsor (if the requestor is a student or a contractor)
    1. Name
    2. Affiliation

**Section II - Requestor Information (continued)**

- b. Requestor's organizational affiliation
  - i. Unit or department
  - ii. Address
- c. Requestor's contact information
  - i. Physical address
  - ii. Mailing address
  - iii. Email address
  - iv. Telephone
- d. Names and titles of key research partners
  - i. Brief biographical sketches (summary of qualifications)
  - ii. Affiliations

**Section III - Proposed Research**

- a. General Introduction
  - i. Research title
  - ii. State education or education agency priorities being addressed
  - iii. Outline of key goals/objectives
- b. Research abstract
  - i. Purpose
  - ii. Research questions to be addressed, hypotheses to be tested
  - iii. Methodology to be used
  - iv. Datasets requested and/or new data to be collected, selection criteria, and variables
  - v. FERPA exception relied upon
  - vi. If collecting new data, data collection tools to be used (e.g., survey, observation, focus group, test, other)
  - vii. If collecting new data, description of how research subject volunteers will be identified and solicited.
  - viii. Description of any assistance/support needed from LEA
  - ix. Intent to combine requested data with external data
    - 1. Complementary aggregations
    - 2. Individual data links
    - 3. State education agency (SEA) data or other sources
  - x. Anticipated data outputs
    - 1. Descriptive statistics, frequencies, analytics
    - 2. Intended publication strategies (e.g., journal article, dissertation, book, internet)
- c. Explanation of why the proposed research requires the use of non-public data
- d. Explanation of why the research should be conducted in this specific LEA

**Section III - Proposed Research (continued)**

- e. Explanation of the benefits of the proposed research to the district and the goals of the local system of public education
- f. Outline of planned services to be provided to the local education organizations (e.g., expert testimony on related issues, consultation services, suggestions for reporting formats, recommended policy considerations)
- g. Expected contributions to education research theory and/or practice
- h. Timeline (note: multi-year projects require annual re-approval)
  - i. New data
    - 1. Start date
    - 2. Collection begins
    - 3. Collection end date
  - ii. Existing data
    - 1. Date(s) data are requested
    - 2. Data use Start date
    - 3. Data use End date
- i. Estimated financial cost to the LEA
  - i. Total cost
  - ii. Source of funding
  - iii. Opportunity/plan for procuring funds



## Appendix F. Full Data Access Request Form

# LOCAL DEPARTMENT OF EDUCATION

Mailing Address  
Telephone  
Web URL/Email Contact

### Application to Obtain and Use Confidential Data

#### **LEA Instructions for Modifying Template**

The form's Submission Instructions should:

1. Identify research priorities that would receive priority attention
2. Include considerations for reimbursement of costs that would affect agency decisions
3. Identify submission windows (e.g., some agencies specify submission windows at key points during the year)
4. Outline organizational requirements associated with the template
5. Specify content limits (e.g., limits on the number of words for certain items)
6. Provide transmittal instructions (e.g., number of copies, regular or registered mail, electronic)
7. Provide any guidelines on limitations (e.g., font type and size)
8. Specify mandatory attachments (e.g., appendices, curriculum vitae)
9. Specify permissible attachments (e.g., brochures, letters of support)

Date:

Control Number: (TBD - Assigned by Agency)

#### **Section I - Letters, Transmittal, and Support**

- a. Transmittal letter from the principal investigator or project sponsor (include as appropriate)
  - i. Project title
  - ii. Outline of the importance and benefits of the proposed research to the LEA, school, and/or research subjects
  - iii. Outline of the contributions the proposed research will make to general education research

#### **Section II - Requestor Information**

- a. Name and title of requestor/principal investigator
  - i. Summary of qualifications (provide abridged CV in appendix)
  - ii. Research funder(s)
  - iii. Research sponsor (if the requestor is a student or a contractor)
    1. Name
    2. Affiliation



**Section II - Requestor Information (continued)**

- b. Requestor's organizational affiliation for project
  - i. Unit or department
  - ii. Address
- c. Requestor's individual contact information
  - i. Physical address
  - ii. Mailing address
  - iii. Email address
  - iv. Telephone
- d. Names and titles of key research partners
  - i. Summary of qualifications (provide abridged CVs in appendix)
  - ii. Affiliations
- e. If collecting new data, names, titles, and clearance ID numbers (e.g., child abuse history, federal and state criminal history, etc.) of all individuals who will collect data from the local education agency's (LEA) students and/or staff during the term of the proposed research (provide names, roles and responsibilities, and affiliations in the appendix)
- f. Names and titles of all individuals who will have access to files containing student-level data, whether provided by the local education agency (LEA) or collected by researchers during the term of the proposed research (provide names, roles and responsibilities, and affiliations in the appendix; exclude individuals listed in Section II.e)
- g. Indication of whether any named researchers have ever received/collected data from the LEA in the past
  - i. If data have been received/collected, identification of the project and LEA point of contact
  - ii. If data have been received/collected, description of the status of the project for which data had been shared or research subject access has been granted, including references to publications resulting from the work and a copy of the applicable Data Destruction Certificate if the work has been completed

**Section III - Proposed Research**

- a. General Introduction and abstract
  - i. Project title
  - ii. Local education agency priorities being addressed
  - iii. Outline of key goals/objectives
- b. Research narrative
  - i. Purpose
  - ii. Research questions to be addressed, hypotheses to be tested
  - iii. Methodology to be used
  - iv. Research plan
  - v. Datasets requested and/or data to be collected, selection criteria, and variables
  - vi. If collecting new data, data collection tools to be used (e.g., survey, questionnaires, observation, focus group, test, interviews, other); include copies of tools and/or detailed description of tools and protocol in appendix
  - vii. If collecting new data, description of how research subject volunteers will be identified and solicited.
  - viii. Description of any assistance/support needed from the LEA
  - ix. Which FERPA exception relied upon
  - x. Intent to combine requested data with external data
    1. Complementary aggregations
    2. Individual data links/matches to other data sources
    3. State education agency (SEA) data or other sources
  - xi. Anticipated data outputs
    1. Descriptive statistics, frequencies, analytics
    2. Intended publication strategies (e.g., journal article, dissertation, book, internet)
  - xii. Outline of planned services to be provided to local education organizations (e.g., expert testimony on related issues, consultation services, suggestions for reporting formats, recommended policy considerations)
- c. Explanation of why the proposed research requires the use of non-public data
- d. Explanation of why the research should be conducted in this specific LEA
- e. Explanation of how the proposed research will benefit the mission and goals of the local system of public education
- f. Expected contributions to education research theory and practice (include literature review and references in the appendix)
- g. Timeline (note: multi-year projects require annual re-approval)
  - i. New data
    1. Start date
    2. Collection begins
    3. Collection ends
    4. End date

**Section III - Proposed Research (continued)**

- ii. Existing data
  - 1. Date(s) data are requested
  - 2. Start date
  - 3. End date
- h. Estimated financial cost to the LEA
  - i. Total costs
  - ii. Source of funding
  - iii. Opportunity/plan for procuring funds

**Section IV - Data and Data Element Requirements**

- a. If requesting a longitudinal cohort, selection criteria including time frames, student characteristics, grade levels, program types, performance levels, geographic areas including particular schools or combinations of schools, and other characteristics that define the cohort
- b. Characteristics that will define the comparison or control group, if such a group is desired to support the research (note: comparison groups must be a subset of students related to the proposed research and cannot be defined as “all students” or “all students not included in the cohort”)
- c. Purpose and source of a matched dataset, where the requestor will provide confidential data files containing individual data that will be “matched” or “linked” to state education student-level data from other education agencies, including authority to link the matched dataset if requested and permitted. The following personally identifying data elements that will be provided for matching or linking should be specified:
  - \_\_\_ First name
  - \_\_\_ Last name
  - \_\_\_ Middle initial
  - \_\_\_ Date of birth
  - \_\_\_ Gender
  - \_\_\_ Common identifier (state/local assigned student/staff ID)
  - \_\_\_ Social Security number
  - \_\_\_ Other (specify: demographic characteristics, address, assigned school or school number, etc.)
- d. If applicable, requirements of cross-sector data involving other local agencies or organizations such as early learning, social services, postsecondary, or workforce, including authority to link the incoming dataset
- e. Detailed explanation of any request that requires individually identifiable student-level data, rather than de-identified student data, be provided to the researcher
- f. Detailed description of the specific data elements for which the researcher is requesting access and other information included in the tables below (use table(s) that apply to type of request: new and/or existing data)

**Section IV - Data and Data Element Requirements (continued)**

In the tables below, each data element should be listed, with only one data element per row. Additional rows may be added as needed. If requesting only new or existing data, only the associated table must be completed. If requesting new and existing data, both tables must be completed.

**For Access to New Data**

For the collection of qualitative data (observations that cannot be described numerically), include a detailed description of the data element in the appendix. If necessary, descriptions of research subjects for each element can be expanded into appendix.

<b>Data Element</b>	<b>Description of research subjects (staff/student; role; grade level; gender, race/ethnicity, etc.)</b>	<b>Relationship of element to proposed research (be as specific as possible; if an insufficient case is made, the element may not be provided)</b>	<b>Tool(s) used to collect element</b>

**For Access to Existing Data**

To the extent possible, data definitions and specifications should originate in the LEA's data dictionary at <cite data dictionary or metadata sources>. If this is not feasible, the element taxonomy and definitions available in the NCES Common Education Data Standards tables (available at <https://ceds.ed.gov/elements.aspx>) should be used.

<b>Data element (cite taxonomic source)</b>	<b>Years requested</b>	<b>School, school type (or district-wide)</b>	<b>Grade level(s)</b>	<b>Relationship of element to proposed research (be as specific as possible; if an insufficient case is made, the element may not be provided)</b>

### Section V - Security and Confidential Data Protection Procedures

Security procedures include the technical and non-technical measures put into place by the requestor/requesting organization to ensure that data are not misplaced, stolen, accessed, or used inappropriately, or publicly released in any way. The requestor should provide a brief description of, or reference to, the procedures that are in place and/or will be used for securing data accessed in support of the proposed research (e.g., a copy of the organization's data security plan could be attached). Technical procedures include firewalls, internal and external network security, password security, physical security, restricted access, physical and electronic data storage, risk mitigation, and regular security audits. Nontechnical procedures include restrictions regarding which staff may access and view confidential data, the processes they must observe, and how access will be revoked when no longer needed. This includes informing staff of their obligations in handling confidential data and getting their signoff. Nontechnical procedures also include thorough reviews of all data products to ensure that individual identities cannot be "reverse engineered" from datasets because of small cell sizes or separate data displays that can be combined to reveal identities. The procedure used to destroy or return all identifiable data provided by the agency at the project's completion should be included.

The LEA should reserve the right to conduct security audits/reviews as necessary.

### Section VI - Parental Consent and Student/Staff Assent

All students under 18 years of age must have a completed parental consent form in order to participate in the research and/or for their individual records to be released. If collecting new data from students under 18 years of age, the students must also complete a written assent form; oral assent may be required for some students. All students and staff of 18 years or older who volunteer as research subjects must complete a consent form. The requestor should provide copies of each type of form relevant to their request.

Consent and assent forms should be written in a way that is appropriate for the age, reading level, and preferred language of the form's recipient(s). The forms should include the researcher's contact information should the recipient have any questions about the study.



**Section VII - Status of Request**

**APPROVED BY**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Organization Auditor

\_\_\_\_\_  
Name Title

**DENIED BY**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Organization Auditor

\_\_\_\_\_  
Name Title

- Appendices - Supporting Information**
- a. Curriculum vitae (CV) for key staff, partners (reference Sections II.a and II.d).
    - i. Note: Suggest CV parameters that limit length to 500 words or 2–3 pages to include name and contact information, education highlights, employment highlights, relevant publications, relevant research and collaborations, and personal references
  - b. Names, titles, roles, responsibilities, and affiliations of all personnel who will be authorized to access student-level data provided by the LEA and any consequent iterations of those files (reference Section II.f)
  - c. Literature review, important references (reference Section III.f)
  - d. Data collection tool(s) and protocol(s) (reference Section III.b.VI)
  - e. Description of qualitative data elements and research subjects (reference Section IV)
  - f. Parental consent forms and student/staff assent forms (reference Section VI)





## Appendix G. Data Access Agreement Form

# LOCAL DEPARTMENT OF EDUCATION

## DATA ACCESS AGREEMENT

### BETWEEN

### THE LOCAL DEPARTMENT OF EDUCATION

### AND

### NAME OF REQUESTOR/PRINCIPAL INVESTIGATOR OR REQUESTING ORGANIZATION

**Control Number: Assigned by the agency, same number as assigned to the Requestor's application**

Note: This template is intended to serve as the basis for a legally binding agreement. It is suggested that the agreement, to the degree possible, be written in plain language so that the intent and requirements are clear and actionable. However, the agreement will need approval of the agency's legal counsel and there may be administrative or state requirements in addition to—or other than—what is suggested below. Organization of the agreement may have to conform to agency requirements as well. For additional considerations for this agreement, consult "Guidance for Reasonable Methods and Written Agreements" ([http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd\\_agreement.pdf](http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf)).

### A. INTRODUCTION

An introductory section provides background considerations that establish the basis for any process, including a research proposal, whereby student-level data (whether identifiable or de-identified) are provided or effectively loaned to a requestor. Considerations include

- addressing requirements of pertinent federal or state legislation;
- limitations on disclosure;
- responding to an executive, legislative, or local board research agenda/issue;
- responding to an agency request for applications, proposals, proof-of-concept, or demonstration of capabilities;
- proposing research that is of interest to the LEA;
- developing a methodological process for calculations/report design; and
- obtaining security clearances for all researchers who will interact with students or enter schools and immediately notifying the LEA to any changes in status.

The parties to the agreement should be introduced as organizations that have entered into this agreement to address a consideration, such as those referenced above. The requestor and requesting information should match submissions originally provided in Section II of the approved research application (Full Data Access Request form).

If the research is to be conducted under the Family Educational Rights and Privacy Act's (FERPA's) audit or evaluation exception, the agreement must formally designate the requester as an "authorized representative" under FERPA.

The accepted project proposal and any modifications pertaining to it should be included as attachments to the agreement, and by reference should be considered as a part of the agreement. An abstract or summary of the proposed agreement may be included in the introductory section as it appeared in the accepted research proposal section (Section III.a).



## **B. PURPOSE**

The purpose section provides a basis for limiting the use of data accessed via the local education agency (LEA) through the agreement. The section outlines all intended and agreed-upon objectives that are to be addressed through the agreement. The verbiage for this section should match what is included in Section III.b of the approved research application and should include all of the anticipated objectives of the research, including direct services to LEAs.

With the objectives stated, this section should end with language that directs the recipient of the data to limit its use to support the specific objectives of the approved research. It should also direct the recipient to inform and seek approval from the agency for any substantive changes in the objectives that expand the agreed-upon purposes, and which could affect uses of the data or duration of the project.

## **C. JUSTIFICATION**

This section includes the rationale for conducting this research using confidential student data as stated in the agreed-upon research proposal, Section III.c. It may also reference legal authority from local, state, or federal law. Additional statements should be included that describe the benefits to be gained by the participating parties to the agreement from Sections III.d and III.e of the proposal.

The research purpose should be consistent with one of the FERPA exceptions. Data access for research is permissible under the studies exception if the research is for, or on behalf of, a school, school district, or postsecondary institution and is for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction. The audit or evaluation exception permits data access to evaluate federal- or state-supported education programs. Education programs must be “principally engaged in the provision of education,” and include early childhood programs, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education. Any program that is administered by an educational agency or institution falls within this exception.


## **D. IMPLEMENTATION**

This section outlines the action steps that will be taken to implement the agreement. It provides details describing the timing and sequencing of steps. If the requestor is accessing existing data, information concerning the secure transfer of data files from the agency to the requestor should also be included.

In some cases, an agreement may be executed through a system of approved work orders. Such agreements are common, for example, between LEAs and local public support agencies. In such cases, an attachment to this agreement should include the template for work orders. This section should outline any requirements for the work order process.


**E. TERMS AND CONDITIONS** (also known as Security and Access pertaining to Student Records; Security, Confidentiality and Privacy Protection, and Public Access)

This section spells out all conditions and expected practices that will be observed when handling student-level data accessed through the LEA. It may include specific statements or expectations required in local, state, or federal law. This section may require input by the agency’s legal counsel, and should include provisions that specify the individuals who can view and handle data, as well as assurances that those individuals are fully briefed and have signed off on applicable confidentiality and security measures. This section may also include



references to security practices outlined in Section V of the research proposal. The following statements are often included in LEA agreements, although specific language and the order of their appearance may vary:

1. The researcher will ensure that employees and contractors collecting new data pursuant to this agreement participate in training on human subject research and any additional training the LEA requires around appropriate interactions with students. Therefore the following provisions will be observed:
  - a. Under no circumstances shall the researcher(s) interact with students if an LEA staff member assigned to monitor student-researcher interactions is not present and actively engaged in monitoring the interaction.
  - b. The researcher will limit access to research subjects pursuant to this agreement to employees or contractors referred to in Section II.e of the accepted proposal and will request any changes—e.g., additional staff or reassigned and terminated staff—as amendments to this agreement to the agency.
  - c. Approved researchers may only enter schools and collect data with permission from the building’s principal, and only during times approved by the building’s principal.
2. If requesting personally identifiable staff or student information, and/or collecting new data, the requestor will need to create parent consent, student consent, staff consent, and student assent forms as appropriate.
3. These data remain the property of the LEA and access is provided for the sole purpose of this agreement. This agreement does not constitute access to student-level data for the requestor’s discretionary use; these data may only be accessed to carry out responsibilities throughout the duration of the project specified herein. Any additional ad hoc analyses or other uses of the data, or maintenance of data files beyond the terms specified in the agreement, is not permitted without the expressed written approval of the LEA.
4. Student-level data accessed through this agreement will neither be publicly disclosed nor used to affect the rights, privileges, or benefits of individual students. The requestor shall abide by applicable state and federal laws and guidelines, or other appropriate methods agreed upon between the researcher and the LEA, such as those referenced in the Institute for Education Sciences Statewide Longitudinal Data Systems Technical Brief 3, “Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting” (NCES 2011-603) when displaying data in public reports. Publicly reported aggregations of data will contain no groupings of data fewer than <LEA inserts number> students.
5. When the data files accessed pursuant to this agreement are no longer needed to support the purposes of this agreement, all files, including those with student-level data, shall be destroyed and the agency shall be informed of its destruction using the Certificate of Data Destruction Template included as an attachment to this agreement.
6. If new data were collected, the requestor must provide copies of these data files to the LEA before destroying the files. Electronic files provided by the LEA to the requestor or data collected by <requestor> may contain information concerning “pupils” or “students” as defined in Section <XXXX.XX> of state statutes and in the federal Family Educational Rights and Privacy Act (FERPA – reference 20 U.S.C. 1232g), or information deemed to be confidential under another federal or state statute.). Therefore the following provisions will be observed:
  - a. The requestor will limit access to data files provided, or created using collected data, pursuant to this agreement to employees or contractors referred to in Section II.f of the accepted proposal



and will request any changes—e.g., additional staff or reassigned and terminated staff—as amendments to this agreement to the agency.

- b. The requestor will ensure that employees and contractors accessing data files provided/created pursuant to this agreement receive and sign off on written instructions per the Personal Access Agreement template attached to this agreement.
  - c. If the purposes for which the data file was sent/created do not require personnel to print, display, or otherwise personally view the contents of the file, they shall refrain from doing so.
  - d. If meeting the purposes for which the data file was sent/created requires personnel to print, display, or otherwise personally view the contents of the file, it will be done in a manner that prevents the disclosure of the contents of the file by personnel not involved in the project.
7. Each data file provided by the agency to the requestor, or created by the requestor, that contains student-level data and each printed copy of such information shall be stored in a secure location, such as a locked desk or file cabinet, except when in use for the purposes for which it was provided. Each automated file shall be stored in secure computer facilities with strict data processing controls.
  8. Under no circumstances shall either party provide data developed pursuant to this agreement to any third party not specifically named in this agreement or to any entity or person ineligible to receive student-level data or prohibited from receiving such data by virtue of a finding under 34 CFR S.99.31 (a)(6)(iii).
  9. If the requestor detects a breach or possible breach in the security processes adopted in support of this proposal, the requestor shall notify the agency within one business day of discovering the breach and outline the actions being taken to ameliorate the cause and effects of the breach. The requestor should agree to bear financial and legal responsibility for its own breaches, although the LEA may choose to notify individuals.
  10. The requestor agrees to provide the agency with any proposed publications or presentations that are intended to make public any findings or results developed pursuant to this agreement for the agency's review at least <LEA inserts number> days prior to the anticipated publication or scheduled presentation. Public release will not occur until the release is agreed to by the agency.
  11. The LEA maintains the right to audit or monitor the researcher's performance under this agreement, especially with respect to the requestor's data stewardship practices.

## **F. DURATION (or the Term of the Agreement)**

In no case should an agreement be of indefinite duration. The beginning and end dates should be specified with at least three stipulations:

- For requests for access to new data, the agreement may include different beginning and end dates for access to human subjects and use of collected data.
- The agreement may be terminated by either party prior to the end date upon the written notice of either party. Thirty days' notice is common.
- Modifications can change the duration if both parties agree. In some cases, there are provisions that allow a specific extension—such as one year—upon satisfactory performance. Occasionally such extensions can be automatic as long as they are agreed to by the parties.



## **G. REIMBURSEMENT OF COSTS**

If there are costs to be recovered through the provisions of the agreement, they should be specified. If a specific amount cannot be calculated, the means for their calculation and any outside limits should be stipulated. If there are requirements for billing at specified project points, they should be specified as well.

## **H. CONTACT POINTS**

Key personnel who have detailed knowledge about aspects of the agreement from both parties should be identified. The postal service mailing addresses should be included, as well as telephone numbers and email addresses.

## **I. APPROVALS**

Legally responsible officials representing all key parties to the agreement should sign the agreement. In some cases this may include the agency head, the Chief Information Officer, the Chief Security Officer, and/or the Chief Financial or Administrative Officer.

## **ATTACHMENTS**

- A. Approved research/data request proposal
- B. Proposal modifications
- C. Work order formats, if required
- D. Personal access agreement
- E. Data destruction certification
- F. Agreement modification request



## Appendix H. Agreement Modification Request Form

# LOCAL DEPARTMENT OF EDUCATION

Mailing Address  
Telephone  
Web URL/Email Contact

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### Agreement Modification Request

Project Title:

Control Number:

Modification Number:

Note: This Agreement Modification Request template focuses on modifying one or more elements of the accepted research proposal. When modifications are approved, they become a part of the implementing agreement and are legally binding. It is suggested that the original proposal template be used as a basis for the modification template. Therefore, this proposed template is built around the key information blocks (sections II through VI) of the proposal template. **Parties submitting an agreement modification request would only revise the applicable sections of the originally approved Application to Conduct Research Using Confidential Data agreement. If there are no changes in a particular section, the parties simply indicate “no change.”** Note that some modifications, such as changes in personnel who access data and the duration of the project, affect other forms as well. For example, changes in personnel may require the execution of new personal access agreements.

#### Section I – Transmittal and Organizational Approval of the Change Request

- a. Transmittal letter from the principal investigator or project sponsor (include as appropriate)
  - i. Project title and control number
  - ii. Outline of the modification being requested and refer to the information block being changed
  - iii. Justification for the modification



**Section II – Changes in Requestor Information**

- a. Change in name and title of requestor/principal investigator
  - i. Change in summary of qualifications (provide abridged curriculum vitae (CV) in appendix)
  - ii. Change in research funder(s)
  - iii. Change in research sponsor (if the requestor is a student or a contractor)
    1. Name
    2. Affiliation
- b. Requestor’s organizational affiliation (for project)
  - i. Unit or department
  - ii. Address
- c. Requestor’s individual contact information
  - i. Physical address
  - ii. Mailing address
  - iii. Electronic address
  - iv. Telephone
- d. Change in names and titles of key research partners
  - i. Summary of qualifications (provide abridged CVs in appendix)
  - ii. Affiliations
- e. If collecting new data, change in names and titles, and clearance ID numbers of all individuals (e.g., child abuse history, federal and state criminal history, etc.) who will collect data from the local education agency’s (LEA) students and/or staff during the term of the proposed research (provide names, roles and responsibilities, and affiliations in the appendix)
- f. Change in names and titles of all individuals who will have access to files containing student-level data provided by the agency during the term of the proposed research (provide names, roles and responsibilities, and affiliations in the appendix; exclude individuals listed in Section II.e)

**Appendices - Supporting Information**

- a. CV for staff/partner changes
- b. Changes in personnel authorized to access student-level data (including names, title, roles, responsibilities, and affiliations). Specifically identify those whose access is being revoked and briefly explain why.
- c. Additional literature/research citations

**Section III – Changes in Proposed Research**

- a. Changes in general introduction and abstract
  - i. Change in project title
  - ii. Change in local education agency (LEA) priorities being addressed (e.g., additional sample schools)
  - iii. Change in outline of key goals/objectives
- b. Changes in the research narrative
  - i. Change in purpose
  - ii. Change in research questions to be addressed, hypotheses to be tested
  - iii. Change in methodology to be used
  - iv. Change in research plan
  - v. Change in key datasets, selection criteria, and variables
  - vi. If collecting new data, changes to data collection tools to be used (e.g., survey, observation, focus group, test, other). Include copies of tools and/or detailed description of tools in appendix
  - vii. If collecting new data, change in how research subject volunteers will be identified and solicited
  - viii. Change in any assistance/support needed from the LEA
  - ix. Change in FERPA exception relied upon
  - x. Combine requested data with external data (such as additions, deletions, modifications)
- c. Change in anticipated data outputs
  - i. Descriptive statistics, frequencies, analytics
  - ii. Intended publication strategies (e.g., journal article, dissertation, book, internet)
- d. Change in outline of planned services to be provided to LEA (e.g., expert testimony on related issues, consultation services, suggestions for reporting formats, recommended policy considerations)
- e. Change in explanation of why this proposed research requires the use of non-public data
- f. Change in explanation of why it is being requested that the research be conducted in this specific LEA
- g. Change in explanation of how the proposed research benefits the district and the mission and goals of the local system of public education
- h. Change in expected contributions to education research theory and practice
- i. Changes in timelines
  - i. New Data
    - 1. Start date
    - 2. Collection begins
    - 3. Collection ends
    - 4. End date
  - ii. Existing Data
    - 1. Date(s) data are requested
    - 2. Start date
    - 3. End date

**Section III – Changes in Proposed Research (continued)**

- j. Changes in estimated costs to the LEA
  - i. Total costs
  - ii. Source of funding
  - iii. Existing funding
  - iv. Plan for procuring funding

**Section IV - Changes in Data and Research Design**

- a. Changes in the data that require new or updated files from the LEA. If requesting a new longitudinal cohort, include characteristics such as time frames, student characteristics, program types, performance levels, geographic areas including particular schools or combinations of schools, or other characteristics that define the cohort.
- b. Changes in characteristics that will define the comparison or control group, if such a group is desired to support the changes (note: comparison groups must be a subset of students related to the proposed research and cannot be defined as “all students” or “all students not included in the cohort”)
- c. Changes in purpose and source of a matched dataset, where the requestor will provide confidential data files containing individual data that will be “matched” or “linked” to student-level data from other education agencies, if requested and permitted. The following personally identifying data elements that will be provided for matching or linking should be specified:
  - \_\_\_ First name
  - \_\_\_ Last name
  - \_\_\_ Middle initial
  - \_\_\_ Date of birth
  - \_\_\_ Gender
  - \_\_\_ Common identifier (state/local assigned student/staff ID)
  - \_\_\_ Other (specify: demographic characteristics, address, assigned school or school number, etc.)
- d. If applicable, requirements of cross-sector data involving other agencies or organizations such as early learning, social services, postsecondary, or workforce. They will be considered, where feasible.
- e. Detailed explanation of any change request that requires individually identifiable student-level data rather than de-identified student data be provided to the researcher.
- f. Detailed description of the specific data elements whose access is being requested and other information included in the table below.

**Section IV - Changes in Data and Research Design (continued)**

In the tables below, each data element that is added, deleted, or modified should be listed, with only one data element per row. Additional rows may be added as needed. If requesting only new or existing data, only the associated table must be completed. If requesting new and existing data, both tables must be completed.

**For Access to New Data**

For the collection of qualitative data (observations that cannot be described numerically), include a detailed description of the data element in the appendix. If necessary, descriptions of research subjects for each element can be expanded into appendix.

<b>Data Element</b>	<b>Description of research subjects (staff/student; role; grade level; gender, race/ethnicity, etc.)</b>	<b>Relationship of element to proposed research (be as specific as possible; if an insufficient case is made, the element may not be provided)</b>	<b>Tool(s) used to collect element</b>

**For Access to Existing Data**

To the extent possible, data definitions and specifications should originate in the LEA's data dictionary at <cite data dictionary or metadata sources>. If this is not feasible, the element taxonomy and definitions available in the NCES Common Education Data Standards tables (available at <https://ceds.ed.gov/elements.aspx>) should be used.

<b>Data element (cite taxonomic source)</b>	<b>Years requested</b>	<b>School, school type (or district-wide)</b>	<b>Grade level(s)</b>	<b>Relationship of element to proposed research (be as specific as possible; if an insufficient case is made, the element may not be provided)</b>



**Section V - Changes in Security and Confidential Data Protection Procedures**

Description of changes in security procedures including the technical and non-technical measures being implemented.

**Section VI – Parental/Student/Staff Consent and Student Assent**

Descriptions of changes to parental consent, student consent, staff consent, and student assent forms and plans to distribute and retrieve updated forms. The changes to the document should reflect the changes listed in the previous sections of the document. Attach updated forms to appendix.

**Section VII - Status of Request**

**APPROVED BY**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Organization Auditor

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

**DENIED BY**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Organization Auditor

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

## Appendix I. Personal Access Agreement Form

Note: This template reflects requirements used by several LEAs to ensure that staff who access student-level data understand their obligations. These types of agreements have long been used by postsecondary institutions and governing bodies, frequently referred to as “Buckley Agreements.” As with other legally binding requirements, these types of acknowledgements require review by legal counsel.

# LOCAL DEPARTMENT OF EDUCATION AUTHORIZED RESEARCH

Project Title:

Control Number:


The <principal investigator/requesting organization> has entered into an agreement to conduct a research program, referred to above, with the <local education agency (LEA)>. The research project requires designated project staff to access and work with confidential student-level data provided by or accessed through the LEA for the purposes of the project. All persons who access these data must be aware of the limited purposes for which these data are being made available, and of the federal and state laws governing their availability and use. This acknowledgement is intended to ensure attention to these requirements by project staff who will work with the data sources.

### ACKNOWLEDGEMENT REGARDING THE HANDLING OF CONFIDENTIAL STUDENT-LEVEL DATA

The undersigned individual has been granted access to confidential data files maintained for purposes attendant to public education and/or collect new data from students/staff in the <XXXX school district> as outlined in the research project referenced above. These data may originate in classrooms and schools throughout the LEA and are founded in data collected from and about individual students. As such, they are confidential and are to be protected from public release under state and federal law. The purpose of this acknowledgement is to ensure that all individuals who are granted access to these data understand the confidential nature of the data, limitations regarding the use of the data, the strict prohibitions against public disclosure of the data, and the consequences of intentional or unplanned release or misuse of confidential student data.

By his or her signature, the undersigned individual acknowledges and agrees to the following:

1. Access to these data is provided for the sole purposes of a legally binding agreement between the LEA and the Principal Investigator/requestor organization. The principal investigator/requestor has made copies of the signed agreement available for review. The data may be accessed only to carry out the requirements of the project specified therein. The agreement does not allow discretionary use of the data provided/collected for the project. Ad hoc analyses, uses of the data, or maintenance of data files beyond the terms specified in the agreement are not permitted without the expressed written approval of the LEA.
2. If requesting access to existing data, then data being accessed for this project include student education records defined in federal, state, and local laws and attendant regulations. These laws govern the legal uses of these data and requirements intended to protect the privacy of the individuals



represented therein. The relevant federal law is the Family Education Rights and Privacy Act of 1974, commonly known as “FERPA” or the “Buckley Amendments,” 20 USC, Section 1232g and implementing regulations, 34 CFR, Part 99. The relevant state law is S. XXXXXX. In compliance with these laws, the following provisions shall be observed for existing data; additionally, the requestor agrees to observe these provisions for all new data collected through the LEA:

- a. The undersigned will limit access to data files provided/created pursuant to this agreement only to employees designated by the <requestor/requesting agency>.
  - b. If processing requirements for data files do not necessitate that personnel print, display, or otherwise personally view the contents of the file, they shall refrain from doing so.
  - c. If processing requirements necessitate that personnel print, display, or otherwise personally view the contents of the file, it will be done in a manner that prevents the disclosure of the contents of the file by unauthorized personnel or those not involved in the project.
  - d. Each of the project data files that contains student-level data and each printed copy of such information shall be stored in a secure location such as a locked desk or file cabinet, except when in use for the purposes for which it was provided. Each automated file shall be stored in secure computer facilities with strict data processing controls.
  - e. Under no circumstances shall either party provide data developed pursuant to this agreement to any third party not specifically named in this agreement.
  - f. If designated personnel detect a breach or possible breach in the security processes adopted in support of this project, they shall immediately bring it to the attention of supervisory personnel.
3. If the project includes data that are or will be linked to other data resources (e.g., workforce or social services data), there may be additional state and federal requirements with respect to defining and handling confidential data that may need to be referenced. Data may not be linked unless permitted in the agreement.
  4. Access to project data files is limited to computers and settings that comply with relevant LEA regulations and policies which need to reflect appropriate standards of care related to network accessibility, use outside of secure facilities, and use on personal laptops.
  5. If there is any change in the responsibilities of the undersigned—including reassignment, promotion, or termination—that affect duties with regard to accessing student-level data attendant to the project, authority to access and manipulate project files will be immediately revoked and the undersigned will refrain from storing, accessing, or manipulating project files.
  6. Unless otherwise specified, this acknowledgement spans the period <date> to <date>.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Witnesses:

1. \_\_\_\_\_

2. \_\_\_\_\_

Approval: \_\_\_\_\_ (Date) \_\_\_\_\_





## Appendix J. Data Destruction Certification Form

# LOCAL DEPARTMENT OF EDUCATION CERTIFICATE OF DATA DESTRUCTION

### Required of All Projects Receiving Access to Confidential Data from the Local Education Agency (LEA)

Project Title:

Control Number:

Note: Some LEAs may dictate processes that govern the destruction of administrative data and derived datasets, especially data containing individually identifiable information. These processes may be generalized across all agencies or may be specific to particular agencies. Healthcare agencies have long histories related to the destruction of confidential data and may be a source of usable templates. As with all legal documents, counsel should advise the process. The template provided below is a modified version of those used by some healthcare agencies.

---

In accord with the provisions of the Data Sharing Agreement between the < local education agency (LEA)> and the requestor/requesting organization, the data files and all related information described below were destroyed as required in Section E.8 of the agreement pertaining to <Project Title>, Control Number <XXXX>.

Date submitted:

Organization/Principal investigator:

Scheduled date of destruction (per original agreement):

Actual destruction date:



Description of records and/or record series disposed of:

Volume number or file title or reference number	Media type	Record or file name	Inclusive dates covered	Comment

Method of destruction:

*Check all that apply*

*Provide details on methods*

<input type="checkbox"/>	Secure file deletion	
<input type="checkbox"/>	Data deletion tool	
<input type="checkbox"/>	Other data deletion	
<input type="checkbox"/>	Cross cut paper shredding	
<input type="checkbox"/>	Hard disk physical destruction	
<input type="checkbox"/>	Other media physical destruction	

I hereby certify that all copies of the files described above have been destroyed in the manner indicated.

Signed: \_\_\_\_\_  
Principal Investigator

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Signed: \_\_\_\_\_  
Organization Auditor

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Notary:

Source: <https://www.cancercare.on.ca/common/pages/UserFile.aspx?fileId=13766>



## Appendix K. Reference Landing Page

Researchers who know which new and existing data are available through an LEA, and where and how data can be accessed, are better prepared to submit thorough and accurate requests. LEAs can help researchers to better understand the request process and the data accessible through the LEA by developing an online reference landing page for researchers.

*Reference Landing Pages:* A reference landing page is a webpage that displays information that is useful to the visitor. For example, if a researcher searches the Internet for “access to education data, X school district,” he/she could be channeled to a reference landing page that provides information about that LEA’s data priorities and processes for accessing new and existing data. Once established, a reference landing page can become an agency’s primary access point for researchers.

When building a reference landing page, it is important to consider the questions researchers might have regarding access to data. Useful components to address researcher questions include

- a summary of the agency’s research priorities;
- an overview of the agency’s available data holdings;
- basic components of the data access request process;
- guidelines and deadlines for submitting a request, including
  - formats (e.g., page length, margins);
  - preliminary review processes;
  - research and statistical integrity standards;
  - technical merit expectations;
  - security requirements; and
  - interest in furthering the mission of the LEA.
- staff contacts;
- stipulations regarding how and where existing data can be accessed or used (e.g., on- or off-site);
- stipulations regarding human subject research;
- qualifications required of the researcher (e.g., affiliation with a university and/or completion of data ethics training);
- a calendar that includes windows when the LEA prefers to receive data access requests and any windows when requests will be delayed;
- LEA-specific policies and procedures;
- expected timelines for responding to requests;
- cost/reimbursement policies; and
- security, confidentiality, and privacy protection requirements.

The page may include training materials (see Core Practice 1) and forms for requesting data access; however, an LEA may prefer to share these documents with researchers after they have reviewed the landing page and initiated contact with the appropriate staff listed on the page.



LEAs often find it useful to help researchers locate and access data that have already been made available to the public. Therefore, the reference landing page may also be designed to separate requests for access to restricted information from requests for publicly available data. LEAs can post the types of data publicly available to researchers, the location of these data, and contact information for assistance. The page might also include links to publicly available data outside of the LEA, including data on adult education, career and technical education, higher education, workforce, and employment.

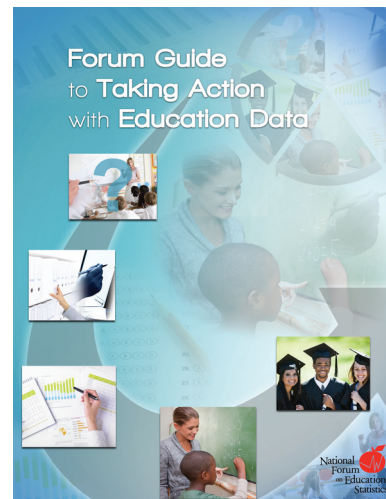
Another purpose of a reference landing page is to provide a means for researchers to determine whether or not they are eligible to access data. In some agencies, for example, a researcher must be a U.S. citizen, be currently enrolled as a student in an institution of higher education, or be employed by an institution of higher education. An agency may wish to include additional requirements, such as those related to training and experience. Some agencies also publish lists of previously approved researchers and eligible organizations, such as non-profits, companies with state or federal contracts, and state or local governments. The reference landing page will help LEAs develop a clearer set of rules and expectations that can be used to pre-screen, and offers agencies a fair basis for declining requests.

## Appendix L. Related Resources

### Forum Guide to Taking Action with Education Data

[http://nces.ed.gov/forum/pub\\_2013801.asp](http://nces.ed.gov/forum/pub_2013801.asp)

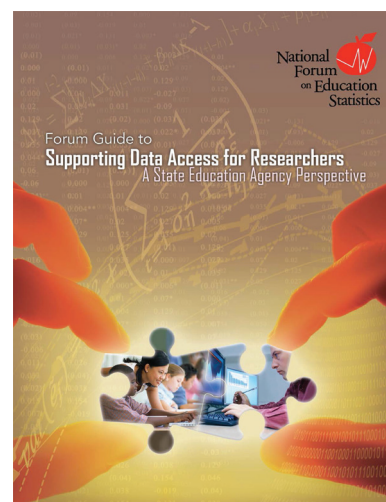
The Forum Guide to Taking Action with Education Data provides stakeholders with practical information about the knowledge, skills, and abilities needed to more effectively access, interpret, and use education data to inform action. The document includes an overview of the evolving nature of data use, basic data use concepts, and a list of skills necessary for effectively using data. The Guide recommends a question-driven approach to data use, in which the following questions can help guide readers who need to use data to take action: What do I want to know? What data might be relevant? How will I access relevant data? What skills and tools do I need to analyze the data? What do the data tell me? What are my conclusions? What will I do? What effects did my actions have? What are my next steps? The Briefs that accompany the Introduction are written for three key education audiences: Educators, School and District Leaders, and State Program Staff.



### Forum Guide to Supporting Data Access for Researchers: A State Education Agency Perspective (SEA) (2012)

[http://nces.ed.gov/forum/pub\\_2012809.asp](http://nces.ed.gov/forum/pub_2012809.asp)

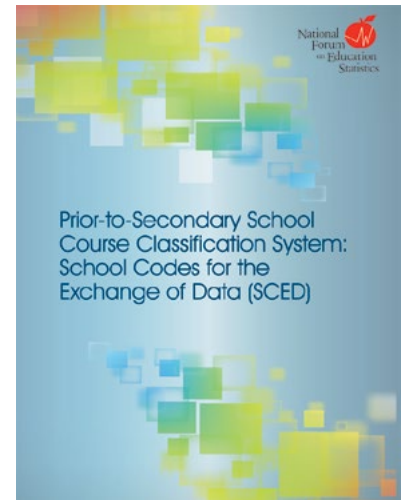
The Forum Guide to Supporting Data Access for Researchers: A State Education Agency Perspective recommends policies, practices, and templates that can be adopted and adapted by SEAs as they consider how to most effectively respond to requests for data about the education enterprise, including data maintained in longitudinal data systems. These recommendations reflect sound principles for managing the flow of data requests, establishing response priorities, monitoring appropriate use, protecting privacy, and ensuring that research efforts are beneficial to the education agency as well as the research community.



## **Prior-to-Secondary School Course Classification System: School Codes for the Exchange of Data (SCED) (2011)**

[http://nces.ed.gov/forum/pub\\_2011801.asp](http://nces.ed.gov/forum/pub_2011801.asp)

This document presents a taxonomy for assigning standard codes to elementary and middle school courses. It is intended to make it easier for school districts and states to maintain longitudinal student records electronically—and to transmit coursetaking information from one student information system to another, from one school district to another, and from a school district to a state department of education.



## **Traveling Through Time: The Forum Guide to Longitudinal Data Systems (Series)**

### **Book I: What is an LDS? (2010)**

[http://nces.ed.gov/forum/pub\\_2010805.asp](http://nces.ed.gov/forum/pub_2010805.asp)

### **Book II: Planning and Developing an LDS (2011)**

[http://nces.ed.gov/forum/pub\\_2011804.asp](http://nces.ed.gov/forum/pub_2011804.asp)

### **Book III: Effectively Managing LDS Data (2011)**

[http://nces.ed.gov/forum/pub\\_2011805.asp](http://nces.ed.gov/forum/pub_2011805.asp)

### **Book IV: Advanced LDS Usage (2011)**

[http://nces.ed.gov/forum/pub\\_2011802.asp](http://nces.ed.gov/forum/pub_2011802.asp)



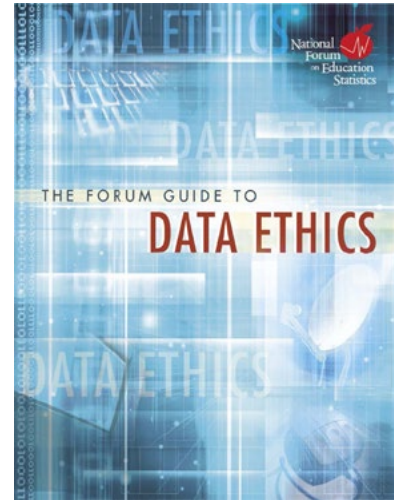
Longitudinal data systems (LDSs) are increasingly becoming the state of the art in education data. An LDS makes it possible to not only monitor the success of individual students, but also to identify trends in those students' education records. These systems provide powerful and timely insights about students and allow educators to tailor instruction to better meet individual needs. They can also reveal with great clarity the effects our policies, programs, and decisions have on schools. The Traveling Through Time series is intended to help state and local education agencies meet the many challenges involved in developing robust systems, populating them with quality data, and using this new information to improve the education system. The series introduces important topics, offers best practices, and directs the reader to additional resources related to LDS planning, development, management, and use.



## The Forum Guide to Data Ethics (2010)

[http://nces.ed.gov/forum/pub\\_2010801.asp](http://nces.ed.gov/forum/pub_2010801.asp)

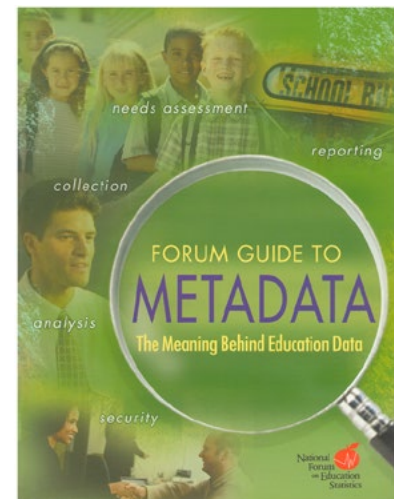
While laws set the legal parameters that govern data use, ethics establish fundamental principles of “right and wrong” that are critical to the appropriate management and use of education data in the technology age. This guide reflects the experience and judgment of seasoned data managers; while there is no mandate to follow these principles, the authors hope that the contents will prove a useful reference to others in their work.



## Forum Guide to Metadata: The Meaning Behind Education Data (2009)

[http://nces.ed.gov/forum/pub\\_2009805.asp](http://nces.ed.gov/forum/pub_2009805.asp)

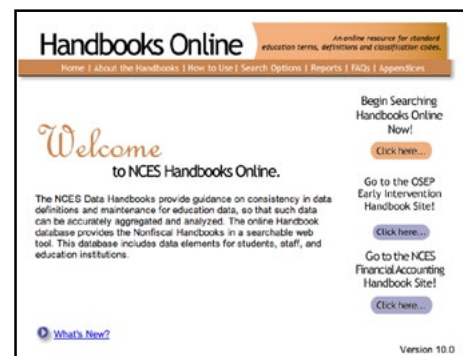
This document offers best practice concepts, definitions, implementation strategies, and templates/tools for an audience of data, technology, and program staff in state and local education agencies. It is hoped that this resource will improve this audience’s awareness and understanding of metadata and, subsequently, the quality of the data in the systems they maintain.



## NCES Nonfiscal Data Handbook for Early Childhood, Elementary, and Secondary Education (2007)

[http://nces.ed.gov/forum/pub\\_2003419.asp](http://nces.ed.gov/forum/pub_2003419.asp)

The NCES Handbooks define standard education terms for students, staff, schools, local education agencies, intermediate education agencies, and state education agencies. They are intended to serve as reference documents for public and private organizations (including education institutions and early childhood centers), as well as education researchers and other users of data.

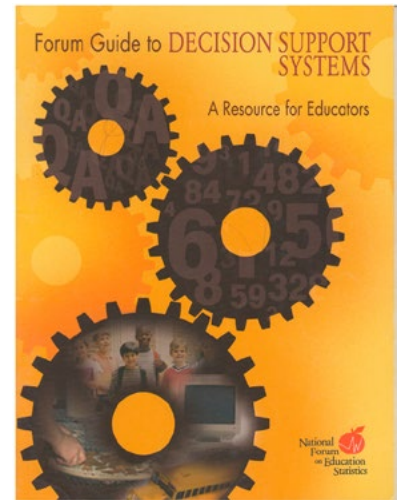




## Forum Guide to Decision Support Systems: A Resource for Educators (2006)

[http://nces.ed.gov/forum/pub\\_2006807.asp](http://nces.ed.gov/forum/pub_2006807.asp)

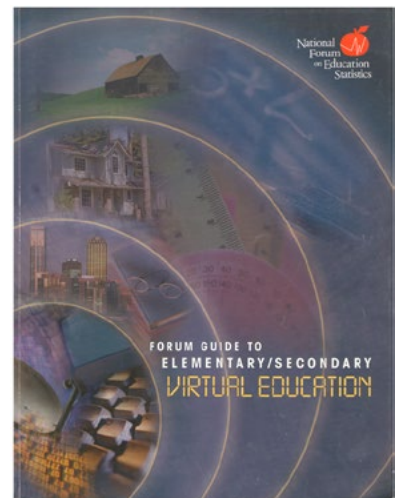
This document was developed to remedy the lack of reliable, objective information available to the education community about decision support systems. It is intended to help readers better understand what decision support systems are, how they are configured, how they operate, and how they might be developed and implemented in an education setting.



## Forum Guide to Elementary/Secondary Virtual Education (2006)

[http://nces.ed.gov/forum/pub\\_2006803.asp](http://nces.ed.gov/forum/pub_2006803.asp)

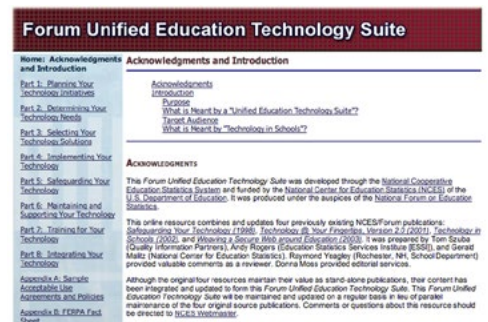
This guide provides recommendations for collecting accurate, comparable, and useful data about virtual education in an elementary/secondary education setting.



## Forum Unified Education Technology Suite

[http://nces.ed.gov/forum/pub\\_tech\\_suite.asp](http://nces.ed.gov/forum/pub_tech_suite.asp)

The Forum Unified Education Technology Suite presents a practical, comprehensive, and tested approach to assessing, acquiring, instituting, managing, securing, and using technology in education settings. It will also help individuals who lack extensive experience with technology to develop a better understanding of the terminology, concepts, and fundamental issues influencing technology acquisition and implementation decisions.



## Common Education Data Standards (CEDS)

<https://ceds.ed.gov/>

The Common Education Data Standards (CEDS) is a specified set of the most commonly used education data elements to support the effective exchange of data within and across states, as students transition between educational sectors and levels, and for federal reporting. This common vocabulary enables more consistent and comparable data to be used throughout all education levels and sectors necessary to support improved student achievement. CEDS is a voluntary effort that increases data interoperability, portability, and comparability across states, districts, and higher education organizations.

