



Karen B. Salmon, Ph.D.
State Superintendent of Schools

July 1, 2019

The Honorable Larry Hogan, Governor
State House
100 State Circle
Annapolis, MD 21401

The Honorable Anne R. Kaiser, Chair
House Committee on Ways and Means
House Office Building, Room 131
Annapolis, MD 21401

The Honorable Paul G. Pinsky, Chair
Senate Ed., Health, and Env. Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

Re: MSAR #11653 - Student Data Governance Report (July 2019)

Dear Governor Hogan, Senator Pinsky, and Delegate Kaiser:

In accordance with § 7-2001 of the Education Article of the Annotated Code of Maryland, the Maryland State Department of Education (MSDE) is required to develop and update best practices for county boards on student data governance and professional development on data governance policies and procedures. MSDE must also develop strategies to coordinate and assist local data governance staff in the counties to implement certain requirements. The MSDE submits the enclosed report to the Governor and the Maryland General Assembly on the status of the implementation of above requirements.

Should you have questions or need additional information, please contact Chandra Haislet, Director, Office of Accountability at (410) 767-0025 or by email at chandra.haislet@maryland.gov.

Best Regards,

Karen B. Salmon, Ph.D.
State Superintendent of Schools

C: Sarah Albert (DLS Library – 5 copies)

Student Data Governance Report

to the

Senate Education, Health, and Environmental Affairs Committee

and the

House Committee on Ways and Means,

on the status of the implementation of

HB 568 - Student Data Governance

Presented by the

Maryland State Department of Education

July 1, 2019

Larry Hogan
Governor



Karen B. Salmon, Ph.D.
State Superintendent of Schools

MARYLAND STATE DEPARTMENT OF EDUCATION

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Purpose and Background

During the 2018 Legislative Session, Maryland lawmakers passed the Student Data Governance bill (HB 568). This bill requires the Maryland State Department of Education (MSDE), in consultation with the Department of Information Technology (DoIT) and the county boards of education, to develop and update best practices for county boards on data governance and professional development on data governance policies and procedures. MSDE must also develop strategies to coordinate and assist local data governance staff in the counties to implement the bill's requirements. The bill took effect July 1, 2018.

The MSDE, in consultation with DoIT, and the county boards of education is required to provide guidance on best practices in three areas:

1. Data Governance,
2. Transparency, and
3. Professional Development.

The MSDE established a Student Data Governance Workgroup which created a roadmap that integrates three phases to complete the requirements of the legislation and sustain this work. Each phase includes strands of work with updates provided as part of required reporting. Phase I, during the 2018-2019 academic year, focused on planning and engagement.

Reporting Requirements

The MSDE must report twice, by July 1 of 2019 and July 1, 2020, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, on the status of the following related to the implementation of HB 568:

1. development and implementation of best practices in the areas of data governance, transparency, and professional development;
2. levels of engagement by county boards;
3. barriers to engagement, if any, including fiscal, statutory, or workplace obstacles; and
4. any recommended statutory changes.

This is the first report by the MSDE and will meet the legislative requirement to submit a report by July 1, 2019.

Status

Status on development and implementation of best practices

The MSDE convened a Student Data Governance Workgroup of local school system designees to provide expertise to the MSDE and the Department of Information Technology in developing and updating best practices for the state of Maryland. To begin engagement with this Workgroup, the MSDE conducted a

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needs assessment questionnaire that included nine questions to determine local school systems (LSS) status in the areas required by the legislation. Twenty (20) local school systems responded to the survey and identified their areas of need.

The Student Data Governance Workgroup met for the first time on March 8, 2019 for a full-day meeting. The meeting began with welcome and introductions from the designees and other staff in attendance. The Division of Assessment, Accountability and Information Technology (DAAIT) presented an overview of purpose and projected outcomes. The MSDE, with the workgroup, defined areas of focus, the supports needed from the MSDE, discussed the phases to implement the legislation, and discussed options for sustainability. Technical assistance support from the Privacy Technical Assistance Center (PTAC) and the State Support Team (SST) of the Statewide Longitudinal Data Systems (SLDS) was available during the day to guide and add to conversations about best practices.

Status on the levels of engagement by county boards

Student Data Governance Designees

At a regularly scheduled Public School Superintendents' Association of Maryland (PSSAM) meeting, the State Superintendent of Schools spoke with Maryland local school superintendents regarding the requirements of the law. The State Superintendent formally requested each local school system superintendent designate an employee to maintain a data governance program in the county (Md. Code, Ed. Art, §7-2004-(B)) in December 2018¹). All but one local school system superintendent identified a designee.

Student Data Governance Workgroup

The Student Data Governance Workgroup included twenty-five local school system (LSS) staff, MSDE staff, and support from the U.S. Department of Education, State Support Team. The LSS workgroup members included a majority of IT staff, though also included were accountability and instructional staff, data related staff and others.

Four local school systems agreed to share their experiences in a panel presentation to the workgroup. Each panelist shared background on the system discussions and context that created the need for the work, the engagement of stakeholders, and development of work, and challenges and lessons learned. Each of the panelists presented a different perspective as they were all in various places in the process, and had challenges and accomplishments unique to each of their systems.

The panelists included:

- Jim Corns, Jr., Baltimore County Public Schools, Executive Director of Information Technology;
- Amy Shepler, Caroline County Public Schools, Instructional Technology Coach;

Student Data Privacy Workgroup
Local School System Members by Role



¹ Memo, Local County Data Governance Designee, MSDE, December 14, 2018

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- Jamie Aliveto, Frederick County Public Schools, Director, System Accountability and School Improvement;
- Edward Gardner, Frederick County Public Schools, Director, Technology Infrastructure; and
- Rob Watkins, Queen Anne's County Public Schools, Supervisor of Curriculum & Instruction, Mathematics and Gifted Education.

The overall engagement of the participants in this day long meeting was high and included several suggestions for best practices and ongoing interactions of the group. Participants found the above panel presentation very helpful, and suggested that additional opportunities to share work, including successes and challenges, be a part of the long term plan for the Workgroup. Many participants articulated the benefit of having designated time to discuss issues and challenges with job-alike peers, as well as, the value of the program and IT personnel mix to be able to consider multiple perspectives in problem-solving and sharing.

Needs Assessment Questionnaire

The MSDE conducted a needs assessment questionnaire prior to the initial workgroup meeting that included nine questions designed to determine the LSS progress towards implementation of the requirements of the legislation. Twenty (20) local school systems responded to the questionnaire resulting in an 83% response rate.

Follow-Up Survey

The MSDE conducted a follow-up survey to plan next steps and to provide further assistance to local school systems. There was a 72% response rate from workgroup attendees.

Status on barriers to engagement

The Student Data Governance Workgroup identified a number of barriers at both the state and local levels. Barriers included fiscal resources and workplace obstacles.

Local School System Fiscal Barriers

The *2018 Regular Session - Fiscal and Policy Note for House Bill 568*² indicates that the legislation “does not require local school boards to implement any best practices developed by MSDE (in consultation with DoIT and local school boards), jurisdictions that choose to implement the recommendations may realize significant costs.”

“We also need support for appropriate staffing to support

Workgroup participants stated that the majority of costs are in staff positions necessary to manage and maintain a data governance program in the local school system. Staff positions include a Data Governance Coordinator, Student Data Privacy Officer, and an Information Security Officer.

² *2018 Regular Session - Fiscal and Policy Note for House Bill 568*, retrieved from <link>, date

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For example, Baltimore City advised that one new staff position includes approximately \$133,000 in salary costs in fiscal 2019 and approximately \$300,000 in initial contractual costs related to evaluating, reconfiguring, and enhancing systems that contain personally identifiable information. Similarly, Prince George's County anticipates contractual and software costs totaling about \$200,000 in fiscal 2019.²

Local School System Workplace Obstacles

Workgroup participants identified other obstacles within their organizations. Many participants noted that an initial challenge was identifying the office to lead the data governance work. Participants noted that while it is imperative to involve all levels of the school system, it is often difficult to solicit buy-in from all offices.

As previously noted, the majority of attendees at the Workgroup meeting were representatives from information technology. The participants agreed that interdepartmental cooperation is necessary for a successful data governance program, yet building that cooperation is difficult and will take time and resources.

The MSDE Fiscal Barriers

The *2018 Regular Session - Fiscal and Policy Note for House Bill 568* indicated that state expenditures estimated costs to include funds for the MSDE to “hire one contractual program specialist to develop best practices for student data security and professional development, and to develop and submit the required reports in 2019 and 2020.”

“We are in great need of an ‘Authoritative Source’ that provides model policies and procedures as well as processes. We...get resistance from local staff on the need and importance of having detailed documentation on Data Governance.”

The MSDE Workplace Barriers

The Workgroup noted that there is no single point of contact for data governance issues at the MSDE. Workforce participants noted that the lack of an authoritative source at the MSDE means that local school systems lack a tool to ensure compliance and buy-in within their systems.

-*Student Data Governance
Workgroup participant*

Status on recommended statutory changes

Over the 2019-2020 academic year, the Workgroup will focus on development and application activities in Phase II. During Phase II the Workgroup will study applicable federal and state laws within Maryland and across the nation, as well as, model legislation. The Workgroup will then identify gaps between Maryland statutes and regulations and model legislation. The Workgroup will also develop definitions of terminology to assist in common understanding and clarity. These activities will provide the Workgroup with relevant data and research to make informed recommendations on statutory changes.





Appendix

Phases and Strands

The MSDE with the Student Data Governance Workgroup, created a roadmap that integrates three phases to complete the requirements of the legislation (HB 568, RS 2018) and sustain this work. Each phase includes strands of work that will take approximately one year to complete and will result in the required reporting and ensure sustainability. These interconnected strands of work require close coordination between the Workgroup, the MSDE, the Maryland Department of Information Technology, local school systems, county boards of education, and other relevant stakeholders.

Phase I: Planning and Engagement

Year 1 (July 2018 - June 2019)





 Engagement	 Study	 Develop	 Report
<input checked="" type="checkbox"/> Identify data governance designees in each LSS	<input checked="" type="checkbox"/> Needs assessment questionnaire	<input checked="" type="checkbox"/> Begin to prioritize needs	<input checked="" type="checkbox"/> Report on the status of Phase I
<input checked="" type="checkbox"/> Develop purpose and outcomes	<input checked="" type="checkbox"/> Small group action planning	<input checked="" type="checkbox"/> Identify needed tools for local school systems	<input checked="" type="checkbox"/> Recommendations for Phase II
<input checked="" type="checkbox"/> Convene workgroup	<input checked="" type="checkbox"/> Determine barriers	<input checked="" type="checkbox"/> Identify additional partners with resources and supports	
<input checked="" type="checkbox"/> Identify available resources and supports	<input checked="" type="checkbox"/> Gather relevant resources from LSS		
<input checked="" type="checkbox"/> Build capacity and institutional knowledge	<input checked="" type="checkbox"/> Follow-Up survey		

Relevant Dates for Phase I: Planning and Engagement

July 1, 2018:	HB 568 passed during the 2018 MGA Legislative Session
November 2018:	Internal MSDE planning
December 14, 2018:	Request for identification of designees
January 2019:	Capacity building with U.S. Department of Education, State Support Team
February 2019:	Needs assessment questionnaire distributed and completed by designees
February 27, 2019:	Panel presenters virtual planning meeting
March 8, 2019:	1st Workgroup Meeting
March - April 2019:	Follow-up Survey
April 26, 2019:	Report feedback from Workgroup volunteers
May 7, 2019:	Student Data Governance Workgroup Roadmap dissemination and final approval
June 1, 2019:	Report review and acceptance
July 1, 2019:	Report submission





Phase II: Development and Application

Year 2 (July 2019 - June 2020)

 Engagement	 Study	 Develop	 Report
<input type="checkbox"/> Convene workgroup	<input type="checkbox"/> Follow-up survey	<input type="checkbox"/> Review of relevant state and federal laws	<input type="checkbox"/> Report on the status of Phase II
<input type="checkbox"/> Build capacity and institutional knowledge	<input type="checkbox"/> Identify and discuss barriers within LSSs	<input type="checkbox"/> Gap analysis between existing laws and best practices	<input type="checkbox"/> Publish information annually
<input type="checkbox"/> Review needed tools and resources	<input type="checkbox"/> Review levels of engagement by county boards	<input type="checkbox"/> Define relevant terms	<input type="checkbox"/> Recommend statutory changes
<input type="checkbox"/> Identify potential partners and roles	<input type="checkbox"/> Identify available checklists, model policies, tools	<input type="checkbox"/> Adapt or develop checklists and other tools	
<input type="checkbox"/> Develop relationships with identified partners	<input type="checkbox"/> Identify tools and resources available from partners	<input type="checkbox"/> Adapt or develop model policies	
	<input type="checkbox"/> Identify training resources	<input type="checkbox"/> Adapt or develop training resources	

Phase III: Sustainability

Year 3 and Beyond (July 2020 and beyond)

 Engagement	 Study	 Develop	 Report
<input type="checkbox"/> Schedule regular meetings of the Student Data Governance Workgroup	<input type="checkbox"/> Review previously published reports from workgroup and other relevant groups	<input type="checkbox"/> Develop a repository of best practice tools, model policies, and other resources	<input type="checkbox"/> Launch and advertise repository
<input type="checkbox"/> Develop purpose and outcomes for Workgroup	<input type="checkbox"/> Review landscape of relevant legislation enacted in Maryland and across the nation	<input type="checkbox"/> Develop a schedule to review and modify policies and other resources	<input type="checkbox"/> Publish information annually
<input type="checkbox"/> Facilitate engagement between Student Data Privacy Council (HB 245, RS 2019), Workgroup, and other stakeholders	<input type="checkbox"/> Review model legislation	<input type="checkbox"/> Develop methods for LSS to add relevant documents to the repository	<input type="checkbox"/> Review progress and evaluate next steps at regularly scheduled workgroup meeting