

MEMORANDUM OF UNDERSTANDING

NEW YORK STATE P-16 DATA SYSTEM

This memorandum of understanding ("MOU") is entered into by the undersigned parties for the purpose of joining in a partnership to support establishment and administration of the New York State P-16 Data System (the "Data System") for pre-school through college education. This partnership is designed to ensure that the Data System is useful to each of the participants and properly aligned to their educational needs and technical capacity; and to provide for their full engagement in supporting the system. The partnership will be implemented by each of the parties through their public commitments and in accordance with the governance structure articulated in this MOU.

RECITALS

Whereas, the partners have embraced an ambitious P-16 education reform strategy to ensure comprehensive, unified efforts to improve student achievement at all education levels;

Whereas, the partners are committed to supporting the creation of a robust P-16 data system for New York State designed to benefit all of the partners by –

- Providing uniform state and district summary data on student achievement from year to year across the P-16 system;
- Supporting programmatic actions to raise student achievement through early analysis of problems and priorities for application of resources or new practices;
- Supporting policy changes and resource investments;
- Analyzing the value added by programs at every level of education;
- Building on and combining the elements of existing data and accountability systems;
- Ensuring timely, accurate, and secure data; and
- Providing data for use in the audit or evaluation of state-supported education programs consistent with the FERPA and other applicable privacy laws.

Whereas, the Data System will specifically–

- Enable the partners and other New York educational agencies and institutions to evaluate and assess the need for changes in programs and policies;
- Meet state and federal governance and compliance obligations in a timely and accurate manner;
- Support analysis of the effects of K-12 preparation on student access to and success in college, including identification of key indicators of college readiness; the success of students after graduation from New York postsecondary institutions; and the effects of teacher-related factors on student outcomes;
- Facilitate prompt access to student data to inform programmatic interventions;
- Facilitate electronic student record transfers in support of processes for student applications to schools and in the case of student transfers between different schools and programs; and

- Inform higher education admissions standards.

Definitions. For the purposes of this document, the governance terms used below are defined as follows:

- **Approve** is to have the official authority and responsibility to make the decision.
- **Recommend** means to aggregate input and ideas from other sources and present options or decision to the person or group with approval authority.
- **Input** means to provide information to those who can recommend or approve.
- **Oversee** means to monitor and review processes carried out by other persons or groups in compliance with approvals.

NOW THEREFORE, the undersigned parties agree on the following:

TERMS

Governance of the Data System. The data system's governance structure will be as follows:

1. The Board of Regents. The Board of Regents ('Regents') will oversee implementation and application of the Data System. The Regents has primary responsibility for education policy in the State, and in such role is responsible for receiving and reviewing information that informs such policy. The Regents will approve the composition of the Executive Board; approve policies on data linkages that inform the goals of Data System; and provide leadership to secure funds and other resources for the Data System.

The Regents will oversee the Executive Board's approval of the hiring of the Chief Data Director, the Executive Board's approval of data transfer and release protocols, and the responsibilities and membership of the Research Advisory Board and Data Advisory Board. The Regents also will oversee the management of the Data System by the Chief Data Director and the evaluation of the Chief Data Director, as well as (with the Executive Board) the establishment of data definitions and business rules and of the evaluation of data requests to the system. The Regents will determine and approve policies on key data linkages to inform policy (such as linkages between student and teacher data or linkages with non-educational agencies or institutions) and also will approve the Data System's organizational design, including the composition of its Executive Board; work with the Executive Board to secure funds for the Data System, including but not limited to funds included in the Governor's Budget and appropriated by the New York Legislature; determine which key data linkage policies (such as linkages between student and teacher data or linkages with non-educational agencies or institutions) are subject to its approval, and approve those policies; and make recommendations to the Executive Board for the data system's research agenda.

2. The Executive Board. Subject to oversight of the Regents and to those particular matters for which approval authority is vested in the Regents, an Executive Board ('Board') for the Data System will determine policy for the Data System. Its functions will include establishing and appointing members to the Research Advisory Board, Data Advisory Board,

and other governance or advisory committees that it may determine appropriate; establishing data transfer and release protocols and determining data linkages, consistent with applicable federal and state laws and regulations regarding the privacy of student records and the protection of human research subjects; determining the research agenda, consistent with the State's P-16 priorities, strategies, and recommendations by the Regents and Research Advisory Board; developing guidelines for the evaluation of data requests, and developing a review policy that permits partners to comment on any research involving them; approve the hiring the Chief Data Director; and (with the Regents) overseeing the establishment of data definitions and business rules and the evaluation of data requests to the system. The Executive Board will make recommendations and provide information to the Regents regarding organizational design and funding for the system and data linkage issues to be determined by the Board; make recommendations to the Commissioner of Education concerning evaluation of the Chief Data Director; and provide information and advice to the Regents and State Education Department on management of the data system.

The Executive Board initially will be composed of the Chancellor and Vice Chancellor of the Regents, the State Commissioner of Education [who shall chair the Board], the Chancellor of the State University of New York, the Chancellor of the City University of New York, the Chancellor of the New York City Department of Education; the Superintendent of the Syracuse City School District, and the Superintendent of the Yonkers Public Schools.

The Executive Board will adopt a voting process for its decision-making functions, with each member of the Board having an equal vote, and with no veto power lodged in any member or signatory to this MOU. The Board will be responsible for creation and adoption of by-laws to govern its functioning.

3. State Education Department. The State Education Department ('Department') will manage the operation of the Data System and own and operate the Data System infrastructure, including the software and hardware in which the data is housed. The Chief Data Director will implement policies set forth by the Regents and the Executive Board. The Chief Data Director for the system will be employed in the State Education Department, subject to the supervision by the Commissioner of Education, with responsibility for managing operation of the system; approving release of data in response to requests, consistent with applicable federal and state laws and regulations concerning the privacy of student records and the protection of human research subjects, as well as with the system's research agenda and the data transfer and release protocols; and establishing data definitions for P-16 data and business rules and procedures regarding data submission. The Chief Data Director will make recommendations regarding structures for supporting data collection and reporting throughout the P-16 system, including oversight of vendors, contractors, or other organizations involved in data collection and management; data transfer and release protocols and data linkages. The Data Director will develop and provide information needed to set the research agenda and develop and support budgets and other funding requests needed to support the system.

4. Research Advisory Board. The Research Advisory Board will make recommendations to the Executive Board on the research agenda for the data system; evaluate research requests

to the system and make recommendations on such requests to the Chief Data Director; and, as appropriate, conduct peer review of research results based on system data. The Research Advisory Board will provide input on data transfer and release protocols; data linkages, data definitions and business rules; management of the P-16 System; and the evaluation of the Chief Data Director.

The Research Advisory Board shall consist of a broad representation across the P-16 education community, including administrators and teachers at higher education and K-12 institutions; representatives from the research community, such as higher education professors and education research analysts; representatives from employers and community and business leaders; State and local legislators; and other individuals deemed appropriate for the furtherance of the goals of the Data System. Representatives shall be solicited by the Executive Board, with the assistance of the State Education Department and the Regents, and shall be approved by the Executive Board.

The Research Advisory Board shall meet as often as deemed necessary to carry out its functions as identified herein, but shall meet a minimum of twice annually. Members shall serve without compensation, except for costs associated with travel and expenses for the meetings.

5. Data Advisory Board. The Data Advisory Board will make recommendations to the Executive Board and Chief Data Director on data definitions, business rules, statewide data processes and collection calendars, and data transfer and release protocols; and will provide information and advice to the Executive Board and Chief Data Director related to the research agenda, data linkages, and the evaluation of data requests.

The Data Advisory Board shall consist of individuals familiar with the management, collection, and use of education and education performance and outcome data. The Data Advisory Board shall include individuals from across the P-16 education community, as listed for the Research Advisory Board membership; membership can also include individuals from technology-related organizations or institutions that collect and manage education-related data, including private vendors, subject to state procurement and ethics laws and regulations. Representatives shall be solicited by the Executive Board, with the assistance of the State Education Department and the Regents, and shall be approved by the Executive Board.

The Research Advisory Board shall meet as often as deemed necessary to carry out its functions as identified herein, but shall meet a minimum of twice annually. Members shall serve without compensation.

Partner Commitments. In signing this MOU, each of the parties below commits to support the Data System and its governance structure as embodied in this MOU, including support through appropriate channels for budget requests to provide needed funding for the system; participation in the system's governance and advisory structure, including appropriate assignment of staff to working system teams, as needed; submission of appropriate and timely data to the system; and support of research, as appropriate, using system data. Each

partner will retain full rights to use of their own data, and shall also have the right to review research derived from the Data System in advance of any release or publication.

The Partners will perform a comprehensive review of the operations of the Data System, use of the data contained in the Data System, and the terms and conditions of this MOU, after a period of three years following the signing of this agreement, and every three years thereafter.

All of the parties to this MOU agree to work together as appropriate in good faith to identify and pursue opportunities to strengthen the Data System and its governance structure, including possible expanded commitments to carry out the purposes of this MOU. This MOU is a statement of intent only, and is not legally binding on the parties or enforceable in a court of law. The parties will not be liable to each other for any damages or losses arising from or related to this MOU. Additional parties may be added to this MOU upon agreement of the undersigned.

IN WITNESS WHEREOF, the undersigned have agreed to this MOU as of November 25, 2008.

NEW YORK STATE BOARD OF REGENTS

Signature

Name: Robert M. Bennett

Title: Chancellor

NEW YORK STATE BOARD OF REGENTS

Signature

Name: Merryl H. Tisch

Title: Vice Chancellor

NEW YORK STATE EDUCATION DEPARTMENT

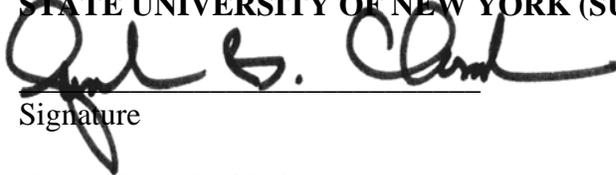


Signature

Name: Richard P. Mills

Title: Commissioner of Education

STATE UNIVERSITY OF NEW YORK (SUNY)



Signature

Name: John B. Clark

Title: Chancellor

CITY UNIVERSITY OF NEW YORK (CUNY)

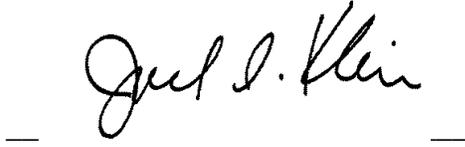


Signature

Name: Matthew Goldstein

Title: Chancellor

NYC DEPARTMENT OF EDUCATION

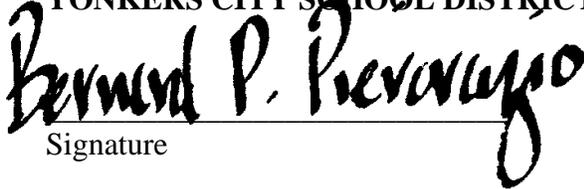


Signature

Name: Joel Klein

Title: Chancellor

YONKERS CITY SCHOOL DISTRICT



Signature

Name: Bernard P. Pierorazio

Title: Superintendent of Schools

SYRACUSE CITY SCHOOL DISTRICT



Signature

Name: Daniel G. Lowengard

Title: Superintendent of Schools