

**Procedure for the decision of the Standing Conference of the Ministers of  
Education and Cultural Affairs of the Länder in the Federal Republic of  
Germany (Kultusministerkonferenz, KMK)  
on applications for the use of data for novel comparisons across German  
federal states (novel Länder comparisons)**

(Resolution of the Standing Conference of 20.09.2012 as amended on 31.01.2019)

This text is a translation of the original German text ("Verfahren zur Entscheidung der Kultusministerkonferenz über Datennutzungsanträge für neuartige Ländervergleiche").

The German text shall prevail in case of doubt or dispute.<sup>\*)</sup>

---

<sup>\*)</sup> translated into English with [www.DeepL.com/Translator](http://www.DeepL.com/Translator)

**Procedure for the decision of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (Kultusministerkonferenz, KMK)  
on applications for the use of data for novel comparisons across German federal states (novel Länder comparisons)**

(Resolution of the Standing Conference of 20.09.2012 as amended on 31.01.2019)

### Introduction

Länder comparisons as an expression of the common responsibility of the Länder (German federal states) to steer the school system serve to compare student performance by means of performance data on selected subject-related competences and to present possible explanatory contexts. The data regularly presented on the basis of the Overall Strategy of the Standing Conference of Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (Kultusministerkonferenz, KMK) now provide indispensable, scientifically sound knowledge for an evidence-based education policy.

In 2007, the Federal Government and the Länder established the Research Data Centre (FDZ) at the Institute for Educational Quality Improvement (IQB) as a jointly financed service institution to facilitate access to data records from large national and international school performance studies for the purpose of educational monitoring and from national studies with competence measurements in the field of education for re- and secondary analyses.

Clear rules are needed for the use and dissemination of scientific data, in particular to take account of data protection aspects and to guarantee the scientific use, but also the legitimate research interests of the scientists generating the data. In the case of novel Länder comparisons, this includes certain scientific and ethical quality standards that are indispensable, not least out of pedagogical responsibility for the pupils concerned and the schools.

Following criticism at the beginning of 2012 by some scientists and the media of the regulations on the dissemination of data for scientific projects with novel Länder comparisons that had been in force until then, the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany discussed how to resolve the conflict of objectives between the expectation of the scientific community to use existing data for novel Länder comparisons and the position, based on political responsibility, that certain quality standards would be required for the approval of new Länder comparisons.

As a result of the consultations, the revised Procedure presented here was adopted by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany in September 2012. They stipulate that the examination of the quality of applications for analyses with novel Länder comparisons will no longer be carried out by the Chiefs of Staff Commission for Quality Assurance in Schools (Amtschefskommission „Qualitätssicherung in Schulen“), as was the case until 2012, but exclusively by academics. In line with DFG criteria, such research proposals will be reviewed in a peer review procedure and evaluated on the basis of transparent criteria. The IQB Board of Trustees formulates a vote on the basis of the evaluations of the reviewers, which, if unanimous, is merely formally followed by the Chiefs of Staff Commission for Quality Assurance in Schools.

As is the case for all research data centres, the special regulations on the transfer of data for Länder comparisons to which the FDZ is subject will have to prove themselves in practice. The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) will continue to ensure the necessary discourse between data users and data owners following up on a first expert discussion which took place on 04.09.2013.

### Rules for the dissemination of data by the FDZ at the IQB

The following explanations on how to deal with applications for the use of data for novel Länder comparisons refer exclusively to the large national and international school performance studies for the purpose of education monitoring, for which representative data are available at federal state (Länder) level.<sup>1</sup> Studies that were not commissioned by the Länder in the Federal Republic of Germany are not covered by these regulations.

The work and procedures of the FDZ at the IQB are based on a set of rules for the transfer of data to and by the FDZ at the IQB ("Tasks and Procedures of the Research Data Centre (FDZ) at the Institute for Educational Quality Improvement (IQB)"). These general rules and regulations are agreed on by the Federal Government and the Länder, which finance the FDZ at IQB within the framework of the jointly funded Centre for International Student Assessment (ZIB). The FDZ am IQB has published these regulations on its website and will also post the following amendments to the regulations on its website.

According to the resolution of the 47th Chiefs of Staff Commission for Quality Assurance in Schools made on 11.09.2008, Länder comparisons of basic cognitive skills are categorically ruled out.

---

<sup>1</sup> A list of the large national and international school performance studies that have samples representative at federal state level and can be requested for novel Länder comparisons is available at <http://www.iqb.hu-berlin.de/fdz/Datenzugang/SUF-Antrag/neuLVs>.

Applications for the use of data for novel Länder comparisons have to be approved by the KMK. In contrast to proposals that do not involve novel Länder comparisons, the approval procedure is based on the corresponding regulations of the Deutsche Forschungsgemeinschaft (DFG).

Analyses and presentations of results based on the examination of a single Land (German federal state) require the approval of the respective Land. In this case, an assessment in the form described below will not be carried out.

### Applications for the use of data for novel Länder comparisons

Since 2009, empirical studies with a Länder comparison in the context of education monitoring have been carried out exclusively by the IQB on behalf of the Länder in accordance with the overall strategy of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK). Länder comparisons serve to compare student achievement (performance data on selected subject-specific competences) and to collect data for possible explanatory contexts for varying performance findings (data on background variables). These data are the basis for the comparison of the Länder and, after publication of the respective reports, are transmitted by the IQB to the IQB's FDZ, which documents the data.

In the case of applications for the use of data relating to novel questions in Länder comparisons, a transparent approval procedure is carried out to examine the extent to which and under what conditions third parties can use the data held at the FDZ at the IQB for purposes other than those originally intended, which are to be answered for by education policy.

The following procedure is applied in such cases:

#### *1. Examination of the applications by the FDZ at the IQB*

The FDZ at the IQB checks incoming applications for data use. Applications for the provision of data of the IQB's FDZ relating to novel questions in a Länder comparison can only be submitted by members of universities or of recognized non-university research institutions who are proven experts in this field of study.

In addition, the requirements that govern all applications to the FDZ at the IQB apply. Accordingly, applications for the use of data archived at the FDZ of the IQB are generally approved by the FDZ at the IQB if:

1. the intended use is scientific and non-commercial,
2. the data protection of the persons concerned is respected,,

3. the planned analyses do not run counter to the contractual agreements with the data owners of the study (e.g. the KMK),
4. the analyses do not conflict with current restriction notes, and
5. no other contradictory reasons exist.

As a basis for the KMK's decision the FDZ at the IQB organises an independent peer review procedure in line with the guidelines of the DFG. For this purpose the FDZ at the IQB forwards the applications concerned to the IQB's Board of Trustees, which selects two reviewers for the peer review procedure.

## *2. Application requirements*

As a rule, applications for data use – like all applications to the FDZ at the IQB – are submitted with information on the following:

- (1) Name, address, email address and telephone number
- (2) Project title and statement on whether or not applicants agree to the publication of their application
- (3) Studies requested from the data offered by the IQB's FDZ (e.g. „PISA 2000“, „IGLU 2006“)
- (4) Summary of the research proposal
- (5) Development of the research question
- (6) Variables/data
- (7) Hypotheses
- (8) Proposed analyses
- (9) Literature used
- (10) Remarks

Für das Begutachtungsverfahren für neuartige Ländervergleiche sind die Antragstellerinnen und Antragsteller aufgefordert, ihr Vorhaben insbesondere hinsichtlich der oben genannten Punkte

For the peer review procedure for novel Länder comparisons, applicants are requested to submit their project, in particular with regard to the points mentioned above:

- (5) Development of the research question,
- (6) Variables/data and indications as to what function of the federal state identifier variable will have in dealing with the research questions indicated,

- (7) Hypotheses and
- (8) Proposed analyses

in a presentation of the research project with a maximum length of 20 pages. Relevant preliminary work should be described which clearly shows that the applicant has experience with analyses of data from large-scale assessments. The applicant's own corresponding key publications must be named. It must also be described how the applicant will ensure that the data requested are processed in accordance with data protection regulations.

In the development of the research question, the gaps in research to be dealt with by the analyses must be identified on the basis of the description of the theoretical foundations and the relevant state of research, and the gain in scientific knowledge must become clear. The research question must go beyond the aspiration of a purely descriptive analysis with the aim of making a Länder comparison as a ranking. Theory-based justification must be provided for why a Länder comparison indicating the Länder names appears to be imperative for scientific reasons and why a comparison of groups of Länder is not sufficient to answer the research questions.

### *3. Peer review by scientific experts*

Applications are reviewed by proven experts in empirical educational research who have declared to the IQB Board of Trustees that they are willing to review applications for data use. From the expert pool, the IQB Board of Trustees selects two independent reviewers who are asked by the IQB's FDZ to anonymously assess the data use application within four to six weeks in a written statement of approximately 2 pages.

In addition, the reviewers are asked to assess the data use application on the basis of an evaluation form (see Annex) and to submit an unambiguous decision proposal as to whether, from a scientific point of view, the application should be approved, approved subject to conditions or rejected (see Evaluation form in the Annex).

The reviewers submit to the IQB Board of Trustees their comments on the data use application and the assessment form with the proposed decision in writing, stating any conditions to be fulfilled by the applicants. On this basis, the IQB Board of Trustees delivers a vote. The reports are made available to the KMK in anonymous form for inclusion in its decision.

### *4. Decision on the approval of the application for data use*

In the case of unanimous votes of the IQB Board of Trustees the Chiefs of Staff Commission for Quality Assurance in Schools takes note of the decision of the IQB

Board of Trustees; in the case of votes that are not unanimous, the Chiefs of Staff Commission for Quality Assurance in Schools decides on the approval of the application for data use on the basis of the scientific reviews.

In order to speed up the procedure, the individual referrals to the IQB Board of Trustees and the Chiefs of Staff Commission for Quality Assurance in Schools will be made in writing as far as possible.

#### *5. Feedback to the applicants by the FDZ at the IQB*

The FDZ at the IQB is asked by the Chiefs of Staff Commission for Quality Assurance in Schools to inform the applicants of the outcome of the decision, with a brief justification if applicable, and to make the reviews available to them in anonymous form.

#### *6. Data transfer to the applicants of approved novel Länder comparisons*

After the signed data use agreement has been returned and signed by the FDZ at the IQB, the applicants receive the data records as Scientific Use Files (SUF) with an empty federal state (Länder) identifier variable in SPSS or STATA format. With these data sets, all analyses without Länder codes can be calculated and calculation procedures for analyses with Länder codes can be prepared.

Access to the Länder codes is given exclusively in a protected setting either via a special guest computer on the premises of the IQB or via the JoSuA job submission application provided by the Institute of Labor Economics (IZA) in Bonn.

## Annex. Evaluation form for reviewers

Application no.:	
Reviewer:	
Date of transmission:	
Please return by:	
Project title:	

### General assessment (please tick; complementary to your written comments)

Overall assessment	adequate	mostly adequate	not adequate
Significance for research in the relevant subject area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relevant experience with the analysis of large scale assessment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall quality of the presentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Theoretical background</b>			
Quality of the theoretical foundation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequate presentation of the state of research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comprehensibility of the derivation of the research question	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conceptual clarity and consistency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity and coherence of argumentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Method</b>			
Transparent presentation of the data basis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comprehensiveness and transparency of the presentation of the methodological approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Study design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safeguarding data protection requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Your unambiguous decision proposal

(please tick, list restrictions and conditions separately if applicable)

Approval	<input type="checkbox"/>
Approval subject to conditions	<input type="checkbox"/>
Rejection	<input type="checkbox"/>

Please return to:

Institut zur Qualitätsentwicklung im Bildungswesen | Forschungsdatenzentrum | Unter den Linden 6 | 10099 Berlin | fdz@iqb.hu-berlin.de