

Agreement for the Provision of Data from the

Arizona Department of Education to the Arizona State Board for Charter Schools

This Agreement for the Provision of Data (Agreement) is made between the Arizona Department of Education (Department or ADE) and the Arizona State Board for Charter Schools (Board or ASBCS).

Recitals:

A. ASBCS has requested that the Department provide it certain personally identifiable information regarding certain Arizona students. ASBCS intends to use the information to facilitate its development of its Academic Performance Framework, which will be used in the implementation of its statutory oversight and administrative responsibilities and to inform its decisions regarding review and renewal of charter schools under its jurisdiction.

B. The Department and ASBCS acknowledge that ASBCS may use an outside vendor to help it analyze the data provided to it pursuant to this Agreement. ASBCS represents that, at a minimum, it will require that any vendor protect the data provided under this Agreement to the same extent as ASBCS.

C. This Agreement is intended to follow U.S. Department of Education initiatives on Safeguarding Student Privacy (<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/safeguarding-student-privacy.pdf>) and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g ("FERPA") and its implementing regulations.

Agreement:

1. The Department will provide ASBCS with unmasked n-counts for charter sites with fewer than 10 students regarding school level four-year graduation rate data for Fiscal Years 2009 through 2012.

2. ASBCS acknowledges that the data that it has requested includes Personally Identifiable Information, as defined in 34 C.F.R. § 99.3.

3. ASBCS agrees that it will use the Personally Identifiable information disclosed pursuant to this Agreement only for the purposes described in this Agreement and for no other purposes.

4. ASBCS agrees that its work will be conducted in a manner that does not permit the identification of students or parents by anyone other than representatives of ASBCS with legitimate interests. ASBCS agrees that it will conduct its work so as not to identify students or their parents; that it will allow access to the Personally Identifiable Information obtained pursuant to this Agreement only to those within its organization who need to know this information, and that will take all appropriate and necessary steps to protect such information from disclosure at every stage of its work.

5. ASBCS agrees that it will destroy all Personally Identifiable Information when it is no longer needed for the purposes of the work described herein, and in no event later than five years after the receipt of the data pursuant to the requirements of 20 U.S.C. § 1232g(b)(1)(F) and 34 C.F.R. § 99.31(a)(6).

6. ASBCS agrees that if it rediscloses the data described herein to a vendor for the purpose of allowing that vendor to assist ASBCS as described above, that it will require the vendor to comply with the requirements of 20 U.S.C. § 1232g(b)(1)(F) and 34 C.F.R. § 99.31(a)(6), to protect the data to the same extent as ASBCS is required to protect such data, and that it will require the vendor to destroy the data immediately upon completion of the deliverables required by ASBCS.

7. The term of the Agreement shall commence upon signing; it shall remain in effect for a period of one year thereafter unless terminated, canceled or extended as otherwise provided herein. This Agreement may be extended for two supplemental periods of up to a maximum of 12 months each. Any such extension shall be in writing, signed by both parties.

8. ADE may terminate this Agreement immediately and without notice if there is any violation of the terms of this Agreement.

9. This Agreement may be amended by a writing signed by both parties.

10. Notice is provided of A.R.S. §§ 12-133, 12-1518 and 38-511.

Date: 11.19.12

Arizona Department of Education

Stacey Morley
Stacey Morley

Executive Director of Policy
Development and Government Relations

Date: Nov 6, 2012

Arizona State Board for Charter Schools

DeAnna Rowe
DeAnna Rowe

Executive Director, Arizona State Board
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