



Agreement to Provide Data from the Arizona Department of Education to the Friedman Foundation for Educational Choice

This Agreement for the Provision of Data (Agreement) is made between the Arizona Department of Education (Department or ADE) and the Friedman Foundation for Educational Choice (Friedman).

Recitals:

A. Friedman has requested that the Department provide it certain personally identifiable information regarding certain Arizona students who participate in Arizona's Empowerment Scholarship Program. Friedman intends to use the data to complete a study of, as described below:

The data will be examined to demonstrate that education savings accounts provide a promising path forward for states wishing to design robust school choice options that allow for complete customization of a child's K-12 education. The information provided by the Arizona Department of Education will be examined to understand how families currently participating in Arizona's Education Empower Account program are using their ESAs, and the types of education options they are choosing. The findings will be used to inform school choice program design and state level policymaking.

Specifically, this project will examine whether parents are using ESA funds as they would with a traditional school voucher to attend a private school of choice, or if they are using ESAs to customize their child's education, divvying up the money to pay for different education-related options and services. In addition, the data will be examined in order to answer the following questions:

- What types of educational options are families utilizing as a result of access to an ESA?
- How are families allocating their ESA dollars? Are families using funds for a single education institution such as a private school, or are they using ESA dollars for a variety of education-related services during the day?

- Do families take advantage of other education-related options as a result of the ESA, such as private tutoring or special education services?
- Unused ESA funds can be “rolled over” from year-to-year, and can even be rolled into a 529 college savings account. To what extent are families saving ESA funds for future education-related expenses, or to pay for college? Does it appear that the ESA option encourages families to take opportunity costs into consideration, pursuing the best education for the best value in order to maximize their ESA dollars?

B. 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 Friedman with the information listed in Attachment A hereto (email request dated November 27, 2012).
2. Friedman acknowledges that the data that it has requested includes Personally Identifiable Information, as defined in 34 C.F.R. § 99.3.
3. Friedman 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. Friedman 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 Friedman with legitimate interests. Friedman 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. Friedman agrees that it will destroy all Personally Identifiable Information no event later February 18, 2013 and in accordance with the requirements of 20 U.S.C. § 1232g(b)(1)(F) and 34 C.F.R. § 99.31(a)(6).
6. Friedman agrees not to redisclose the data obtained pursuant to this agreement unless expressly authorized to do so by the Department prior to such disclosure. Friedman further agrees not to disclose data contained under the Agreement or addenda to it in any manner that could identify any individual student. No report of these data containing a group of students less than ten shall be released to anyone other than the Department.
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.

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: 1.15.13

Date: 1/15/13

Arizona Department of Education

Friedman Foundation for Educational
Choice

Harvey Morley
Name

Paul D'Rose
Name

Director of Government
Title

Research Director
Title

Relation: Policy Development



Amendment to Agreement to Provide Data from the Arizona Department of Education to the Friedman Foundation for Educational Choice

1. The Arizona Department of Education ("ADE") has provided the Friedman Foundation for Educational Choice ("Friedman") with some aggregated student data for students who participate in the Arizona Empowerment Scholarship Accounts.
2. Friedman has requested additional data from the Department.
3. ADE will not be able to provide this additional data by the destruction date of February 18, 2013, which is contained in paragraph 5 of the original agreement.
4. The Agreement may be amended by a writing signed by both parties in accordance with paragraph 9.
5. Friedman agrees that it will destroy all Personally Identifiable Information disclosed by the Department no later than April 15, 2013 and in accordance with the requirements of 20 U.S.C. § 1232g(b)(1)(F) and 34 C.F.R. § 99.31(a)(6).

Date: 2.8.13

Arizona Department of Education

Stacey Morley
Stacey Morley
Director Government Relations
Director of Government Relations and Policy Development

Date: 2/8/13

Friedman Foundation for Educational
Choice

Paul Diller
Name
Research Director
Title