

Statement of Work # [REDACTED]
to Master Agreement #DG-2022-0000

A. Definition of “Data” or “Confidential Data”

“Data” or “Confidential Data” shall include, but is not limited to, student data, employee data, metadata, user content, course content, materials, and any and all data and information that ADE allows Agency to access. “Data” or “Confidential Data” also specifically includes all personally identifiable information (PII) protected under FERPA in education records, directory data, and other non-public information.

B. Prior Consent Is Not Required to Disclose Data (34 CFR § 99.31)

An educational agency or institution may disclose PII from an education record of a student without the consent required by 34 CFR § 99.30 if the disclosure meets certain conditions. This Statement of Work (SOW) covers the studies exception and the audit or evaluation exception.

The studies exception allows disclosure without prior consent of the parent or eligible student if the Agency is conducting studies for, or on behalf of, educational agencies or institutions to:

1. Develop validate, or administer predictive tests;
2. Administer student aid programs; or
3. Improve instruction.

The audit or evaluation exception allows disclosure to the Agency of PII from education records without prior consent of the parent or eligible student if the disclosure of PII from education records is to:

1. Audit or evaluate a Federal- or State-supported education program; or
2. Enforce or comply with Federal legal requirements related to the program.

C. Studies Exception: Purpose and Use of the Studies

[...]

[PII may only be used to meet the purpose of the studies.]

D. Studies Exception: Scope of the Proposed Studies

[...]

[Access to PII is limited to those with legitimate interests. The studies must be conducted in a manner that does not permit the identification of parents or students by anyone other than representatives of the Agency with legitimate interests.]

E. Studies Exception: Duration of the Studies

[...]

[A firm date should be identified when the Data is no longer needed for the purposes for which the studies were conducted, and this date will determine when the Data must be destroyed.]

F. Audit or Evaluation Exception: Authorized Representative

[...]

[An authorized representative of a FERPA-permitted entity must be designated. An authorized representative to destroy PII from education records upon completion of the audit or evaluation must also be designated and the time period in which the information must be destroyed must also be specified.]

G. Audit or Evaluation Exception: Purpose

[...]

[Specify what PII will be disclosed and for what purpose. Under the audit or evaluation exception, the purpose of data sharing can only be to carry out an audit or evaluation of Federal- or State-supported education programs, or to enforce or to comply with Federal legal requirements that relate to those programs.]

H. Audit or Evaluation Exception: Description of Audit or Evaluation

The Confidential Data is necessary for this audit or evaluation because...

[...]

[This section is required for all FERPA data and must include a specific description of how the PII from education records will be used and must describe the methodology and why disclosure of PII from education records is necessary to accomplish the audit or evaluation or enforcement or compliance activity.]

PII must be used to audit or evaluate a Federal-or state-supported education program, or to enforce or comply with Federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity).

I. Confidential Data to Be Disclosed:

The specific confidential data that will be disclosed under this SOW is:

[...]

The Agency hereby acknowledges that the privacy, confidentiality, and security of the Confidential Data must be protected in accordance with the regulations, if any, selected and initialed in Appendix "A". The Agency further represents and warrants that it is aware of the regulations and the privacy requirements and undertakes to train and supervise all staff that has access to the Data on the procedures to be taken to protect the privacy of the Confidential Data in accordance with stated law(s) and that this SOW includes, by reference, the Master Data Sharing Agreement between the ADE and the [redacted] (enter county) School Superintendent's Office.

J. Data Transmission Process and Protocols- set by Arizona Department of Education via ADE Connect

K. Schedule & Frequency of Data Exchange -as needed

L. Confidential Data Destruction:

The Confidential Data requested under this SOW shall be destroyed within [give a specific time frame here]. The method of deletion/destruction will be [explain here e.g. data wiping, degaussing, shredding, etc.].

<p>Office of the ... County School Superintendent</p> <p>[redacted]</p> <p>County School Superintendent Chief Deputy</p> <p>Office of the ... County School Superintendent</p> <p>Address</p>	<p>Date: ____ / ____ / ____</p>
---	---------------------------------

Created using language from ADOA ASET's [T4440 - AZ Standard Data Sharing Agreement Template](https://aset.az.gov/resources/policies-standards-and-procedures) available here:
<https://aset.az.gov/resources/policies-standards-and-procedures>

<p>Arizona Department of Education</p> <hr/> <p>Chief of Staff</p> <p>Arizona Department of Education</p> <p>1535 W. Jefferson St.</p> <p>Phoenix, AZ 85007</p>	<p>Date: ____ / ____ / ____</p>
--	---------------------------------

Appendix A

Applicable Privacy Regulations

Put an "X" if Applicable	Regulation	Description
	FEDERAL REGULATIONS	
	7 CFR 246.26	WIC Confidentiality Provisions
	20 CFR 603,	Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information
	34 CFR Part 99 - 20 USC 1232g	- Family Educational Rights and Privacy (FERPA) - Family Educational and Privacy Rights
	34 CFR 361.38	Protection, Use and Release of Personal Information (Special Education and Rehabilitative Services, Dept. of Ed.)
	42 CFR Part 2 - Authority: 42 USC 290dd-2	- Confidentiality of Substance Use Disorder Patient Records - Confidentiality of Records
	42 CFR 403.812	HIPAA Privacy, Security, Administrative Data Standards, and National Identifiers
	42 CFR 431.300-431.307	Safeguarding Information on Applicants and Beneficiaries (Medicaid/medicare)
	42 CFR 493.1231	Lab-patient confidentiality
	45 CFR Part 160 and Subparts A and E of Part 164 - Note: 42 USC 201	- Health Insurance Portability and Accountability Act (HIPAA) - Definitions
	45 CFR 155.260 and 280	MARS-E
	5 U.S.C. 552a	Privacy Act of 1974

	18 U.S.C. 1030	Fraud and related activity in connection with computers
	42 U.S.C. 247b-4(a)	Early Detection, Diagnosis, and Interventions for Newborns and Infants with Hearing Loss
	42 U.S.C. 280e	National Program of Cancer Registries
	42 U.S.C. 679 et seq	Collection of Data Relating to Adoption and Foster Care
	42 U.S.C. 1320b-7	Income and Eligibility Verification System
	42 U.S.C. 1396(a)(7))	State Plans for Medical Assistance
	42 U.S.C. 2000aa	Privacy Protection of 1980
	42 U.S.C. 5101, et seq.	Child Abuse Prevention and Treatment and Adoption Reform
	Education Sciences Reform Act of 2002	
	Individuals with Disabilities Education Act of 1975	
	Internal Revenue Code, Title 26 of USC	
	IRS Publication 1075	Tax Information Security Guidelines For Federal, State and Local Agencies
	Office of Management and Budget Memorandum M-17-12 (?)	Preparing for and Responding to a Breach of Personally Identifiable Information
	Pub.L. 107-347	E-government Act of 2002
	Public Law No. 100-235 (H.R. 145)	Computer Security Act of 1987
	ARIZONA STATUTES, REGULATIONS AND POLICIES	
	P8110 Data Classification Policy	System security vulnerabilities
	P8110 Data Classification Policy	Generated security information
	P8110 Data Classification Policy	Information regarding current deployment, configuration, or operation of security products or controls

	A.R.S. §12-2291, A.R.S. §12-2292, A.R.S. §36-445.04, A.R.S. §36-404, A.R.S. §36-509, A.R.S. §36-3805	Medical records
	A.R.S. § 15-103(T)	State board of education's records during an investigation of school district financial mismanagement
	A.R.S. § 15-107(M)	State board of education's records during an investigation of school district overspending
	A.R.S. § 15-141	Educational records
	A.R.S. § 15-213 (A)(2)(d)	School district construction bids
	A.R.S. § 15-241(C)	School accountability, annual achievement profile
	A.R.S. § 15-241.01(J)	State board of education's investigation records about management of school district affairs
	A.R.S. § 15-350	Investigation records of employee immoral or unprofessional conduct
	A.R.S. § 15-537(J)	Certification and Employment of Teachers, teacher evaluations
	A.R.S. § 15-551(A)	Pupil's name and testimony in disciplinary hearing
	A.R.S. § 15-741(F)	Student standardized test results requested by education agency
	A.R.S. § 15-1042(I)	Records of student level data

	A.R.S. § 15-1045(A)	Pupil's personal information
	A.R.S. § 15-1638(A)	Non-profit healthcare institution records on an individual's treatment or nongovernmental proprietary information
	A.R.S. § 15-1640(A)	University's intellectual property or trade secrets, historical records and donor records
	A.R.S. § 15-1875(R)	College Savings Plan, personal information of account holders and beneficiaries
	A.R.S. § 15-1881(C)	Fingerprinting form for post-secondary health sciences programs
	A.R.S. § 15-1911(H)	Interstate Commission minutes and documents of closed meetings
	A.R.S. §36-135	Child immunization Data
	A.R.S. §36-133	Chronic disease information
	A.R.S. §36-664, A.R.S. §36-666	Communicable disease information
	A.R.S. §36-568.01, A.R.S. §36-568.02	Developmental disabilities service records
	A.R.S. §36-2220	Emergency medical service patient records
	A.R.S. §12-2801, A.R.S. §12-2802	Genetic testing records
	A.R.S. §36-160	Home health service records
	A.R.S. §36-756.01	Midwifery patient records
	A.R.S. §36-2221	State trauma registry

	A.R.S. §36-727	Tuberculosis control court hearing information
	A.R.S. §36-342	Vital Records
	Payment Card Industry Data Security Standard (PCI DSS) v3.2.1	Card Holder Data (CHD) including Primary Account Number (PAN), Cardholder Name, Expiration Date, and Service Code
	A.R.S. §44-1373	Credit card, charge card or debit card numbers, retirement account numbers, savings, checking or securities entitlement account numbers
	A.R.S. §41-1959]	Child Protective Services records
	A.R.S. §41-619.54	Criminal history record information
	A.R.S. §41-1750	Criminal Justice Information
	A.R.S. §41-4273	Critical Infrastructure/Fuel Facility Reports
	A.R.S. §39-123, A.R.S. §39-124	Eligible Persons
	Risk Assessment and State Audit Record	Risk Assessment and State Audit Record
	A.R.S. §41-1279.05	Auditor General Records
	A.R.S. §39-126	Federal risk assessments of infrastructure
	A.R.S. §41-4172	Personal Identifying Information (except as determined to be public record)
	A.R.S. §44-1373	Social Security Number
	A.R.S. §42-2001 et al.	Taxpayer Information State, Federal Tax Information (FTI) and other
	A.R.S. § 44-315	Unclaimed Property Information
	Licensing, Certification, Statistics and Investigation Information (of a sensitive nature)	Licensing, Certification, Statistics and Investigation Information (of a sensitive nature)
	A.R.S. §36-2161	Abortion reports
	A.R.S. §36-3503	Child Death Records
	A.R.S. §36-2523	Controlled substance records

Created using language from ADOA ASET's [T4440 - AZ Standard Data Sharing Agreement Template](https://aset.az.gov/resources/policies-standards-and-procedures) available here:
<https://aset.az.gov/resources/policies-standards-and-procedures>

	A.R.S. §36-2220	Emergency medical service investigation records
	A.R.S. §41-1482	Employment discrimination information
	A.R.S. §36-2917	Health Care Cost Containment Records
	A.R.S. §36-3295	Health Care Directives Registry Information
	A.R.S. §36-2403, A.R.S. §36-404	Health care entity licensing information
	A.R.S. §36-2810	Medical Marijuana Records
	A.R.S. §36-445, A.R.S. §36-445.01	Medical practice review
	A.R.S. §36-446.10]	Nursing home certification records
	A.R.S. §36-2604	Prescription information
	A.R.S. §39-125	Archaeological discoveries
	A.R.S. §38-507	Attorney General opinions
	A.R.S. §42-2001	Tax Examination guidelines
	A.R.S. §41-3452	Vehicle information
	A.R.S. §41-361	Attorney-Client Privileged Information
	A.R.S. §6-129	Bank Records
	Intellectual Property laws	Trade secrets and proprietary information
	Management and Support Information	Management and Support Information
	Other records protected by law	Other records protected by law