

**DATA SHARING AGREEMENT BETWEEN
THE KANSAS STATE DEPARTMENT OF EDUCATION AND
KEYSTONE LEARNING SERVICES**

This Data Sharing Agreement (“the Agreement”) is entered into on this 18 day of September, 2015, by and between the Kansas State Department of Education (“the Department”) and Northeast Kansas Education Service Center, dba. Keystone Learning Services (“Keystone”).

I. PARTIES. The Kansas State Department of Education is a state educational agency, authorized to collect and maintain student educational records and to receive information from local educational agencies (LEAs) consistent with applicable state and federal laws and subject to the Kansas Student Data Privacy Act (SDPA), K.S.A. 72-6215 through 72-6223, and amendments thereto, and the federal Family Educational Rights and Privacy Act (FERPA), as authorized by 20 U.S.C. §1232g(b) and 34 CFR Part 99.

Keystone is an education interlocal that provides educational products and services to learners from birth through 21 and districts who serve these learners. Keystone accomplishes this support through a variety of projects that support learners and educators across Kansas.

II. PURPOSE. The purpose of this Agreement is to document the terms under which the Department is authorized to release to Keystone student data for the purpose of calculating the measurement results for the State Performance Plan and Annual Performance Report Indicators as required by the US Department of Education Office of Special Education (OSEP), and to designate Keystone as the authorized representative of the Department consistent with applicable state and federal laws concerning access to and confidentiality of student data and record information including the SDPA and FERPA. As described herein, Keystone, as the Department’s authorized representative, may have temporary access to student data in the custody of the Department for the purpose of completing the tasks identified in this Agreement, and under the terms and conditions described in this Agreement and any addenda to it.

III. AUTHORITY. Consistent with the Kansas Student Data Privacy Act (SDPA), the Department may disclose, without written consent, student data submitted to and maintained by the Department’s statewide longitudinal student data system to the authorized personnel of any state agency, or to a service provider of a state agency, educational agency or school who is engaged to perform a function of instruction, assessment or longitudinal reporting.

Consistent with the federal Family Educational Rights and Privacy Act (FERPA), the Department may disclose personally identifiable information from students’ education records to its contractor without written consent for use in studies initiated or approved by the Department in connection with an audit or evaluation of Federal or State supported education programs, or enforcement of, or compliance with, Federal legal requirements relating to such programs. 34 CFR § 99.31(a)(1)(i)(B), 20 U.S.C. § 1232g(b)(3). The Department may also disclose personally identifiable information to its authorized representative without written consent for the purpose of conducting studies for or on behalf of the Department, schools, school districts or postsecondary institutions in order to develop, validate or administer predictive tests, administer