Title: How to Set Up Data-Sharing Agreements with Partners

Definition

- **What**: Data-sharing agreements (DSAs) allow partners to collaboratively access and use student data to improve outcomes while protecting students' privacy.

  Federal and state laws protect students by limiting how and with whom their data can be shared and used. The most relevant federal law is the Family Educational Rights and Privacy Act (FERPA), which protects education records.

  Formal agreements between organizations to provide and receive data (for example, student indicators, participation in support services, higher education or work outcomes, etc.) hold each party accountable for protecting student information and complying with legal requirements.

- **Why:** Student privacy is important. The benefits of collaboratively using data to improve student outcomes must be weighed against the risk of harm to students if their information were revealed. DSAs demonstrate each partner's commitment to minimizing that risk.

- **How:**
  1. *Have a plan*. Verify that your work cannot be completed using publicly available information. Be ready to explain why student-level data is necessary and how it will be kept safe.
  2. *Begin a conversation*. Most data-sharing agreements in the context of PAS are reciprocal: that is, organizations involved are both providing and receiving data. Reach out to individuals who will support your data request and can benefit from your work. In some cases, you may need to add to or revise your scope to align with all stakeholders' priorities.
  3. *Discuss the process*. An authorized agent for each organization can explain its data-sharing procedures and provide its DSA template or indicate its preference to review a draft agreement provided by the other partner. Organizations should adopt a DSA template that meets FERPA requirements prior to engaging in data-sharing discussions.
  4. *Talk to the people who manage the data*. Find out what data are available for you to request, how you can frame the request to make it easy for them to fulfill, and what data they need from you (if any).
  5. *Execute the agreement*. Identify authorized signers at each organization, come to a consensus on the terms of the agreement, and have both parties sign the agreement.

Resources:

- **Questions to Ask When Establishing a Data-Sharing Agreement**
  http://www.pathwaystoadultsuccess.org/wp-content/uploads/2020/06/Questions-to-ask-DSAs.pdf
- **Data-Sharing Agreements: A Technical Introduction**
  http://www.pathwaystoadultsuccess.org/wp-content/uploads/2020/06/Data-Sharing-Agreements_A-Technical-Introduction.pdf

Training Materials:

- **U.S. Department of Education Privacy Technical Assistance Center (PTAC).** PTAC is the go-to for training and resources about FERPA and protecting student privacy while using education records to improve student outcomes. Resources are organized by audience, such as K-12 school administrators, post-secondary school officials, parents and researchers. https://studentprivacy.ed.gov/
- **FERPA guidance and best practices.** This site, developed by PTAC and the Student Privacy Office at the U.S. Department of Education, curates all guidance and training materials about FERPA and is organized by audience. https://studentprivacy.ed.gov/topic/family-educational-rights-privacy-act-ferpa
- **FERPA 101 for local education agencies.** This training module for school district administrators presents an introduction to FERPA and how to protect student privacy when sharing education records. https://studentprivacy.ed.gov/training/ferpa-101-local-education-agencies
- **State Data-Sharing Initiative.** This site houses resources to help state agencies overcome challenges to sharing data so that evidence-based policy decisions can be made to improve education, health, criminal justice, and other outcomes. http://statedatasharing.org/

Exemplars in Practice:

Data-sharing processes and agreement template examples include:

- *State education agency*:
  - Colorado Department of Education:
    https://www.cde.state.co.us/dataprivacyandsecurity/agreements
  - Ohio Department of Education:
    http://education.ohio.gov/getattachment/Topics/Data/Frequently-Requested-Data/Requesting-Student-Level-data/Understanding-ODE-s-Mou.pdf.aspx

- *Local Education agency*:
    - Boston Public Schools: https://www.bostonpublicschools.org/Page/6172
    - Los Angeles Unified School District: https://achieve.lausd.net/Page/12982
    - Seattle Public Schools: https://www.seattleschools.org/departments/communitypartnerships/data_access_for_c_b_os/data_sharing_agreements
- *Higher education agency*:
    - University of Chicago: https://dsc.uchicago.edu/data-requests/
    - West Virginia Higher Education Policy Commission: http://www.wvhepc.edu/resources/data-and-publication-center/data-requests/

Federal laws that apply to student data:

- **Family Educational Rights and Privacy Act**. Applies to student educational records in Pre-K through high school and students in postsecondary institutions. Family information is also protected for children under 18 who are not enrolled in college. https://studentprivacy.ed.gov/ferpa
- **Health Insurance Portability and Accountability Act**. Applies to child welfare and medical records. https://aspe.hhs.gov/report/health-insurance-portability-and-accountability-act-1996