

**LOUISIANA BOARD OF REGENTS, AND LOUISIANA  
DEPARTMENT OF EDUCATION  
COLLEGE ENROLLMENT AND PERSISTANCE DATA  
SHARING AGREEMENT**

WHEREAS, the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g and its implementing regulations codified at 34 C.F.R 99. 1 et seq. make personally identifiable student information in education records confidential and, subject to certain exceptions, prohibits the disclosure of such information to third parties,

WHEREAS, FERPA and its implementing regulations at 34 C.F.R. 99.31 and 34 C.F.R. 99.35 allow for the sharing of student-level data with education officials for the enforcement of or compliance with federal legal requirements that relate to those programs,

WHEREAS, the Board of Regents deems personally identifiable data as confidential and such data shall be protected in a manner which will not permit the data to be used by anyone other than the Louisiana Department of Education solely for the purposes stated in the Agreement, and shall be destroyed when no longer needed,

WHEREFORE, the Louisiana Department of Education (hereinafter referred to as "LDOE"), Louisiana Board of Regents (hereinafter referred to as "BOR"), do enter into this Agreement subject to the terms and conditions as specified herein.

### **1. Purpose of the Disclosure**

Both parties agree to use data disclosed to it pursuant to this agreement solely for audit and evaluation of educational programs.

### **2. Data**

The following data will be exchanged annually for the length of the agreement.

The LDOE will provide:

- Louisiana Secure ID
- High school site code
- ACT site code
- Beginning school session year ( BSSY)
- Grade placement code
- Graduation date
- Career option code
- Diploma pathway
- Course beginning school session year
- Course code
- Course part number
- Semester code

- Letter grade code
- Credit/experience attempted count
- Core curriculum waiver flag
- Course Sponsor flag
- Course site code
- Course site name
- Transcript course name
- Course type code
- Dual enrollment post-secondary credit hours earned
- Dual enrollment secondary site
- Assessment Flag
- GPA (Local and LDOE)
- IBC code
- IBC year earned
- Endorsements

**Nonpublic students:**

- Beginning school session year (BSSY)
- Site code
- Birth date
- Grade placement code
- Grade 9 entry year
- Graduation date
- Career option code
- Career tech endorsement code
- Met GEE EOC flag
- Local GPA
- Diploma pathway

**BOR will provide:**

- Social Security Number
- Name
- Date of Birth
- Race Ethnicity
- Gender
- Academic Date
- System Indicator
- College/University Site Code
- High School Code
- College/University Academic Year
- FTF Student ID Number
- Program Admission
- High School Code
- High School Grade Point Average
- High School Class Percentile Rank

- Admission Test Type
- Admission Test Score
- BOR Core Flag
- Current Term GPA
- Cumulative Overall GPA
- Academic Standing
- Total Student Credit Hours Scheduled
- Total Student Contact Hours Scheduled
- Enrollment Status (full time, part time, etc.)
- Class level (freshman, sophomore, etc.)
- Credit hours earned
- Full Part-time status
- Online Student Flag
- Cohort Identifier
- Admitted by Exception Flag
- Regents Core GPA
- High School English and Math GPA
- English and Math Placement tests and score
- Student Course information
- Degree declaration/major – CIP Code
- Increment Key
- Degree level code/obtainment
- Enrollment dates
- Graduation status
- Graduation dates
- Academic Standing Code

The LDOE and BOR reserve the right to withhold any of the foregoing data if determined, in its sole discretion, that disclosure of such data would violate any provision of state or federal law.

### **3. Confidentiality**

This Agreement is entered into by BOR and LDOE in accordance with the provisions of FERPA, its implementing regulations and La. R.S. 17:3914. BOR and the LDOE hereby acknowledge that all documents which include PII contained in or derived from any student's education records are deemed confidential pursuant to FERPA and applicable state laws and will not be disclosed by the LDOE to any third party.

The LDOE and BOR shall maintain the individual-level data, whether in hard copy or electronic form, in an area that has limited access to only authorized personnel. The LDOE and BOR shall not permit removal of the individual-level data from the limited access area. The LDOE and BOR will ensure that access to the data maintained on computer files or databases is controlled by password protection as well as data minimization techniques that include: The LDOE and

BOR shall use procedures to ensure that the target data cannot be extracted from a computer file or database by unauthorized individuals. These procedures include maintaining all printouts, discs, or other physical products containing individual-level data in locked cabinets, file drawers, or other secure locations when not in use. BOR and LDOE shall destroy the data provided pursuant to this Agreement, including all copies, whether in electronic or hard copy form.

#### **4. Restrictions on Use**

Parties shall not use the data for any purpose not expressly permitted in this Agreement without this Agreement being amended in writing and duly executed by all parties. Parties cannot disclose any document, whether in hard copy or electronic form, or otherwise disclose to any third party any student-level data, teacher-level data, or information in any form whatsoever or under any circumstances which would directly or indirectly makes a student's identity traceable.

Any questions regarding the implementation of this Agreement shall be directed to:

Kim Kirkpatrick  
Associate Commissioner  
1201 N. Third Street  
Baton Rouge  
Kim.Kirkpatrick@Regents.la.gov  
225-342-4253

Kim Nesmith  
Data Governance Privacy Director  
Louisiana Department of Education  
1201 N. Third Street  
Baton Rouge, LA 70802  
225-342-1803  
[Kim.nesmith@la.gov](mailto:Kim.nesmith@la.gov)

#### **5. Ownership**

Any records, reports, documents, materials, and/or products created or developed by the BOR with the data provided under this Agreement shall be the property of the BOR. Any records, reports, documents, materials, and/or products created or developed by the LDOE with the data provided under this Agreement shall be the property of the LDOE. No records, reports, documents, materials or products created or developed under this Agreement can be distributed free or for profit without explicit written approval from the LDOE Superintendent of Education and Designated Representative of the Board of Regents except as otherwise required by law.

## **6. Liaison Officials**

The LDOE's and BOR's liaisons for the implementation of this Agreement and for receipt of all notices or other communications required or permitted under this Agreement are:

Kim Nesmith  
Data Quality Director  
P.O. Box 94064  
Baton Rouge, LA 70804  
[Kim.Nesmith@la.gov](mailto:Kim.Nesmith@la.gov)  
225-342-1803

Kim Kirkpatrick  
Associate Commissioner  
1201 N. Third Street  
Baton Rouge  
[Kim.Kirkpatrick@Regents.la.gov](mailto:Kim.Kirkpatrick@Regents.la.gov)  
225-342-4253

## **7. Term of Agreement**

This Agreement shall begin on February 15, 2019 and shall terminate on February 15, 2024. The effective date of this Agreement may be extended only if an amendment to that effect is duly executed by the parties and approved by the necessary authorities prior to said termination date. If any of the parties inform the others that an extension of this Agreement is deemed necessary, an amendment may be prepared by one party for appropriate action by the other parties.

## **8. Termination for Convenience**

The LDOE or BOR may terminate this Agreement at any time by giving written notice of such termination to the other parties.

## **9. Assignment of Contract**

No party shall assign interest in this Agreement by assignment, transfer, or novation, without prior written joint consent of the LDOE and BOR.

## 10. Jurisdiction, Venue and Governing Law

Exclusive jurisdiction and venue for any and all suits between the parties arising out of, or related to, this Agreement shall be in the 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana. The laws of the State of Louisiana, without regard to Louisiana law on conflicts of law, shall govern this Agreement.

## 11. Survival

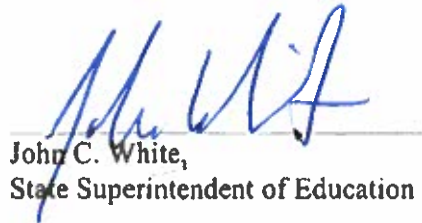
Obligations under Clauses 1, 3, 4, 5, and 10 shall survive expiration and/or termination of this Agreement.

*IN WITNESS WHEREOF*, the parties have executed this Agreement as of this 15<sup>th</sup> day of February, 2019



Dr. Kim Hunter Reed  
Commissioner of Higher Education

2/15/19  
Date



John C. White,  
State Superintendent of Education

2/19/19  
Date

Amendment # 1 to MOU between Louisiana Board of Regents and LDE entered into on  
2/15/2019

**Amendment to Data Sharing Agreement**

**Louisiana Department of Education**

AND

**Louisiana Board of Regents**

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**Amendment Provisions**

CHANGE AGREEMENT FROM:

**2. Data**

The following data will be exchanged annually for the length of the agreement.

The LDOE will provide:

- Louisiana Secure ID
- High school site code
- ACT site code
- Beginning school session year ( BSSY)
- Grade placement code
- Gradation date
- Career option code
- Diploma pathway
- Course beginning school session year
- Course code
- Course part number
- Semester code
- Letter grade code
- Credit/experience attempted count
- Core curriculum waiver flag
- Course Sponsor flag
- Course site code
- Course site name
- Transcript course name
- Course type code
- Dual enrollment post-secondary credit hours earned
- Dual enrollment secondary site
- Assessment Flag
- GPA (Local and LDOE)

- **IBC code**
- **IBC year earned**
- **Endorsements**

**Nonpublic students:**

- **Beginning school session year (BSSY)**
- **Site code**
- **Birth date**
- **Grade placement code**
- **Grade 9 entry year**
- **Graduation date**
- **Career option code**
- **Career/tech endorsement code**
- **Met GEE/EOC flag**
- **Local GPA**
- **Diploma pathway**

**BOR will provide:**

- **Social Security Number**
- **Name**
- **Date of Birth**
- **Race/Ethnicity**
- **Gender**
- **Academic Date**
- **System Indicator**
- **College/University Site Code**
- **High School Code**
- **College/University Academic Year**
- **FTF Student ID Number**
- **Program Admission**
- **High School Code**
- **High School Grade Point Average**
- **High School Class Percentile Rank**
- **Admission Test Type**
- **Admission Test Score**
- **BOR Core Flag**
- **Current Term GPA**
- **Cumulative Overall GPA**
- **Academic Standing**
- **Total Student Credit Hours Scheduled**
- **Total Student Contact Hours Scheduled**
- **Enrollment Status (full time, part time, etc.)**
- **Class level (freshman, sophomore, etc.)**
- **Credit hours earned**
- **Full/Part-time status**
- **Online Student Flag**
- **Cohort Identifier**
- **Admitted by Exception Flag**



- Regents Core GPA
- High School English and Math GPA
- English and Math Placement tests and score
- Student Course information
- Degree declaration/major – CIP Code
- Increment Key
- Degree level code/obtainment
- Enrollment dates
- Graduation status
- Graduation dates
- Academic Standing Code

The LDOE and BOR reserve the right to withhold any of the foregoing data if determined, in its sole discretion, that disclosure of such data would violate any provision of state or federal law.

#### **4. Restrictions on Use**

Parties shall not use the data for any purpose not expressly permitted in this Agreement without this Agreement being amended in writing and duly executed by all parties. Parties cannot disclose any document, whether in hard copy or electronic form, or otherwise disclose to any third party any student-level data, teacher-level data, or information in any form whatsoever or under any circumstances which would directly or indirectly makes a student’s identity traceable.

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ADD OR CHANGE TO:

## **2. Data**

The following data will be exchanged annually for the length of the agreement.

The LDOE will provide:

- Louisiana Secure ID
- Student demographics
  - Race/Ethnicity
  - Gender
  - Special Education Indicator
  - Lunch Status/Income Eligibility
  - English Proficiency Code
  - Language Code
- High school site code
- ACT site code
- Beginning school session year (BSSY)
- Grade 9 Entry Year
- Grade placement code
- Graduation date
- Career option code
- Diploma pathway
- Core Category Flags
- Exit Date
- Exit Reason Code
- Dropout Reason Code
- Course beginning school session year
- Course code
- Course part number
- Semester code
- Letter grade code, quality points awarded
- Credit/experience attempted count

- Credit/experience earned count
- Core curriculum waiver flag
- Course Sponsor flag
- Course site code
- Course site name
- Transcript course name
- Course type code
- Dual enrollment post-secondary credit hours earned
- Dual enrollment secondary site
- Distance Learning Type Code
- Class Rank Number, Percent, and Class Size Count (LDOE Calculated)
- Grad Rank Number, Percent, and Class Size Count (LDOE Calculated)Met Assessment Requirements for Graduation (Met GEE/EOC) Flag
- Overall GPA (LDOE Calculated)
- TOPS GPA (LDOE Calculated)
- TOPS Core Flag
- IBC code
- IBC year earned
- Endorsements
- Date record last updated

Nonpublic students for which LDOE has records should be included, including any of the above data elements for which data is available.

**BOR will provide:**

- Social Security Number
- Name
- Date of Birth
- Race/Ethnicity
- Gender
- Academic Date
- System Indicator
- College/University Site Code
- High School Code
- College/University Academic Year
- FTF Student ID Number
- Program Admission
- High School Code
- High School Grade Point Average
- High School Class Percentile Rank
- Admission Test Type
- Admission Test Score
- BOR Core Flag
- Current Term GPA
- Cumulative Overall GPA
- Academic Standing
- Total Student Credit Hours Scheduled
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- Enrollment Status (full time, part time, etc.)
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Laura Boudreaux  
 Director Research and Data Privacy  
 Louisiana Department of Education  
 1201 North Third Street  
 Baton Rouge, LA 70803  
 225-342-8842  
[Laura.Boudreaux@LA.GOV](mailto:Laura.Boudreaux@LA.GOV)


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Director Research and Data Privacy  
Louisiana Department of Education  
1201 North Third Street  
Baton Rouge, LA 70803  
225-342-8842  
Laura.Boudreaux@LA.GOV

Kim Kirkpatrick  
Associate Commissioner  
1201 N. Third Street  
Baton Rouge  
Kim.Kirkpatrick@Regents.la.gov  
225-342-4253

This amendment contains or has attached hereto all revised terms and conditions agreed upon by the Contracting parties. **IN WITNESS THEREOF**, this amendment is signed and entered into on this 15th day of October, 2020.

  
\_\_\_\_\_  
Dr. Cade Brumley  
State Superintendent of Education

  
\_\_\_\_\_  
Designated Representative of the Board of  
Regents

Amendment # 2 to MOU between Louisiana Board of Regents and LDE entered into on  
2/15/2019

**Amendment to Data Sharing Agreement**

**Louisiana Department of Education**

AND

**Louisiana Board of Regents**

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**Amendment Provisions**

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- Beginning school session year (BSSY)
- Site code
- Birth date
- Grade placement code
- Grade 9 entry year
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- Career option code
- Career/tech endorsement code
- Met GEE/EOC flag
- Local GPA
- Diploma pathway

BOR will provide:

- Social Security Number
- Name
- Date of Birth
- Race/Ethnicity
- Gender
- Academic Date
- System Indicator
- College/University Site Code
- High School Code
- College/University Academic Year
- FTF Student ID Number
- Program Admission
- High School Code
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- Admission Test Score
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- Online Student Flag
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- Enrollment dates
- Graduation status
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- Academic Standing Code

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## **2. Data**

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- Exit Date
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- Course code
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- Overall GPA (LDOE Calculated)
- TOPS GPA (LDOE Calculated)
- TOPS Core Flag
- IBC code
- IBC year earned
- Endorsements
- Date record last updated
- ACT Data
- CLEP Data (Authorized by College Board)
- Advance Placement Data (Authorized by College Board)
- IB Data (Authorized by International Baccalaureate)

Nonpublic students for which LDOE has records should be included, including any of the above data elements for which data is available.

BOR will provide, via eScholar, the LDE with the following student-level data:

- Social Security Number (Removed by eScholar)
- Name (Removed by eScholar)
- Date of Birth (Removed by eScholar)
- Race/Ethnicity
- Gender
- Academic Date
- System Indicator
- College/University Site Code
- High School Code
- College/University Academic Year
- FTF Student ID Number
- Program Admission
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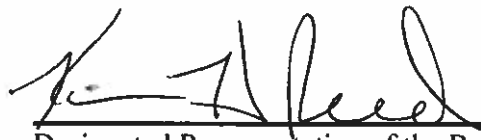
This amendment contains or has attached hereto all revised terms and conditions agreed upon by the Contracting parties. **IN WITNESS THEREOF**, this amendment is signed and entered into on this 30th day of March, 2021.

DocuSigned by:

*Cade Brumley*

BE8725EBEC3341E

Dr. Cade Brumley  
State Superintendent of Education



Designated Representative of the Board of Regents