

**CONTRACT AMENDMENT  
AMENDMENT NUMBER THREE (3) TO CONTRACT BETWEEN  
STATE OF WYOMING, DEPARTMENT OF EDUCATION, SPECIAL PROGRAMS DIVISION AND  
DATA DRIVEN ENTERPRISES, INC.**

1. **Parties.** This Amendment is made and entered into by and between the State of Wyoming, Department of Education [Agency] whose address is: Hathaway Building, 2<sup>nd</sup> Floor, 2300 Capitol Avenue, Cheyenne, WY 82002 and Data Driven Enterprises, Inc. [Contractor] whose address is 11184 Huron Street, Suite 17, Northglenn, CO 80234.
2. **Purpose of Amendment.** This Amendment shall constitute the third (3rd) amendment to the Contract between the Agency and the Contractor which was duly executed on May 2, 2013 and which became effective May 2, 2013. The purpose of this Amendment is to amend the Contract consistent with the Family Educational Right and Privacy Act (FERPA), 34 C.F.R. §99.35, to permit the Agency to share personally identifiable student information with the Contractor, which is necessary for the Contractor to carry out their duties under the Contract. There will be no additional dollars added to the Contract as a result of this amendment.

The original Contract, dated May 2, 2013 set forth the terms and conditions to provide professional services as it relates to providing data support for the Wyoming Department of Education Special Program Division as defined in the Original Contract's Statement of Work (Attachment A) for the total Contract amount of one hundred fifty thousand dollars (\$150,000.00), with an expiration date of April 1, 2014.

Amendment Number One (1), executed on October 15, 2013, provided for additional services amending the Contract consistent with 34 C.F.R. §99.35 to permit Agency to share personally identifiable student information with Contractor, which is necessary for Contractor to carry out Its duties under the Contract. There were no additional dollars added to the Contract as a result of that amendment.

Amendment Number Two (2) executed on April 16, 2014 provided for the extension of the Contract term from April 1, 2014 to April 1, 2015 in order to allow work to continue by providing data support for the Wyoming Department of Education Special Programs Division's implementation of the required System of General Supervision Pursuant to the Individuals with Disabilities Education Act (IDEA) and to increase the payment amount by one hundred fifty thousand dollars (\$150,000.00) from one hundred fifty thousand dollars (\$150,000.00) to three hundred thousand dollars (\$300,000.00).

3. **Term of the Amendment.** This Amendment shall commence upon the date the last required signature is affixed hereto and shall remain in full force and effect through the term of the Contract until April 1, 2015, unless terminated at an earlier date pursuant to the provisions of the Contract, or pursuant to federal or state statute or rule or regulation.
4. **Payment.** Agency agrees to pay the Contractor for the services set forth in the Explanation of Work (Attachment F) herein made part of this Amendment. The total payment under this Amendment shall not exceed one hundred fifty thousand dollars (\$150,000.00). The total Contract cost not to exceed is three hundred thousand (\$300,000.00).

Payments of invoices will be based upon the Contractor successfully completing the deliverables within the stated deadlines, and upon the Agency's written acceptance of the deliverables and/or services.

Payment shall be made pursuant to Wyo. §16-6-602. No payment shall be made for services performed before the date upon which the last required signature is affixed to this Amendment.

5. **Additional Responsibilities of Contractor.** The Contractor shall ensure privacy and security of all Agency PII data.
  - A. All information not specifically identified as Personally Identifiable Information (PII) must be treated as privileged communications; must be held confidential; and must meet the terms and conditions of compliance. Under the Contract, the Contractor is responsible for security and privacy compliance and must take advantage of the appropriate security capabilities and measures and adequate data validation, as well as have appropriate policies and procedures in place to minimize or prevent unlawful access by any person who may have access to the System. Failure of the Contractor or its employees, agents, and/or subcontractors to comply with these regulations will be a material breach of the Contract and must permit the Agency to immediately terminate the Contract. Any breach of security involving PII from public school districts in Wyoming requires notification of Agency and school districts, as data owner. Contractor will be required to provide a proposed incident response plan as it applies to the any observable occurrence in a system or network that compromises the confidentiality, integrity and availability of Agency data. This includes any suspected violation or threat of violation of computer security policies, acceptable use policies, or standard security practices. Contractor will be required to notify the Agency's authorized representative, within twenty-four

(24) hours, of any suspected breach of data related to the State of Wyoming's data.

- B. The Contractor must have written policies governing access to, duplication and dissemination of all such information. The Contractor must advise its employees, agents and subcontractors, if any, that they are subject to these confidentiality requirements. The contractor must provide its employees, agents and subcontractors, if any, with a copy or written explanation of these confidentiality requirements before access to confidential data is permitted.
- C. Disciplinary policies are applied across all sources of information identifying individuals or employers. Agency will consider any improper disclosure of any information considered confidential under federal or state law to be flagrant misconduct. All employees of Data Driven Enterprises, Inc. are to be made aware that all information collected under the auspices of this Contract can be used only for purposes outlined in this Contract and attachments. Further, individuals may be subject to civil penalties under the Privacy Protection Act of 1974 as amended by the Computer Matching and Privacy Protection Act of 1988 (5 USC Sec 552a) as well as subject to criminal penalties under the Confidential Information Protection and Statistical Efficiency Act of 2002 (Title V of PL 107-347), depending on the nature and extent of the disclosure.
- D. Contractor will permit any authorized representative of the Agency to inspect or audit Contractor premises to determine whether or not Contractor is complying with all terms, conditions, and provisions of this Contract.
- E. All information not specifically identified as Personally Identifiable Information (PII) must be treated as privileged communications; must be held confidential; and must meet the terms and conditions of compliance.
- F. The sale and unauthorized use of student data: Any PII from students' education records that the third party receives under this Contract may only be used for the specific purpose for which it was disclosed. Further, under FERPA's school official exception, the third party may not share (or sell) FERPA-protected data.
- G. Contractor shall provide quarterly updates, at a minimum, to Agency on the progress of work being completed for this Contract.
- H. Contractor agrees to abide by all the provisions included in the Attachment G, Non-Disclosure Affidavit.

6. **Additional Responsibilities of Agency.**

- A. The Agency shall share Personally Identifiable Information (PII) with Contractor consistent with 34 C.F.R. §99.35, which is necessary for Contractor to carry out their duties under the Contract.
- B. Review these Contract requirements with successor State Superintendent or designee within 60 days of the transition of leadership of the Agency.

7. **Special Provisions.**

**Same Terms and Conditions.** With the exception of items explicitly delineated in this Amendment, all terms and conditions of the Contract between the Agency and the Contractor, including but not limited to sovereign immunity, and including all prior amendments to this Contract shall remain unchanged and in full force and effect.

8. **General Provisions.**

- A. **Entirety of Contract.** This Amendment consisting of five (5) pages, the original Contract consisting of fifteen (15) pages, Amendment Number One (1), consisting of five (5) pages, Amendment Number Two (2), consisting of three (3) pages, the original Statement of Work (Attachment A), consisting of four (4) pages, the Action Plan (Attachment B), consisting of four (4) pages, the Explanation of Work (Attachment C), consisting of three (3) pages, the Non-Disclosure Affidavit (Attachment D), consisting of two (2) pages, the Statement of Work (Attachment E), consisting of four (4) pages, the Explanation of Work (Attachment F), consisting of six (6) pages, the Non-Disclosure Affidavit (Attachment G), consisting of three (3) pages, and the RFP (#0214-U), consisting of six (6) pages represent the entire and integrated agreement between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral.

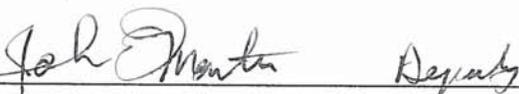
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9. **Signatures.** The parties to this Amendment through their duly authorized representatives have executed this Amendment, known as Amendment Three (3), to the Contract between the Agency and the Contractor, on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Amendment as set forth herein.

This Contract is not binding on either party until approved by A&I Procurement and the Governor of the State of Wyoming or his designee, if required by Wyo. Stat. §9-2-1016(b)(iv).

The effective date of this Amendment is the date of the signature last affixed to this page.

**AGENCY**

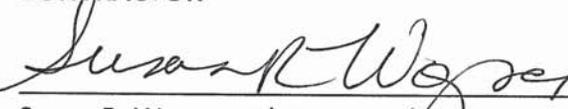
  
John Masters, Deputy Superintendent of Public Instruction

10-24-14  
Date

  
Leslie Van Orman, Special Programs Division, Interim Director

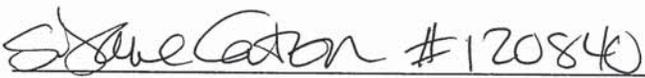
10-22-14  
Date

**CONTRACTOR**

  
Susan R. Wagner, Ph.D., President, Data Driven Enterprises, Inc.  
VC0000005306

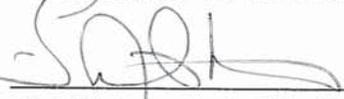
10/17/14  
Date

**ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM**

  
S. Jane Caton, Senior Assistant Attorney General

10-16-14  
Date

**DEPARTMENT OF ENTERPRISE TECHNOLOGY SERVICES APPROVAL**

  
Flint Waters, State Chief Information Officer

10-20-14  
Date



August 28, 2014

Leslie Bechtel Van Orman  
Interim Division Director of Special Education  
Wyoming Department of Education

Leslie:

Data Driven Enterprises (DDE) is an external research and evaluation firm that works as a subcontractor on behalf of the Wyoming Department of Education (WDE) to assist them in collecting, analyzing and reporting on special education-related data. The purpose of this study is to analyze special education students' enrollment characteristics, discipline behaviors, graduation/drop-out data, and performance on the PAWS, ACT, PLAN, EXPLORE, and MAP tests in order to fulfill requests for general supervision under IDEA and to fulfill State Performance Plan (SPP) requirements of the Office of Special Education Programs (OSEP). In addition, enrollment information of kindergarten students is needed in order to collect, analyze and report out on kindergarten readiness data on the Instructional Foundations for Kindergarten (IFK) tool (**Data Release Request Point 1**).

In order to fulfill the tasks specified in the Agreement to the Contract between the Wyoming Department of Education and Data Driven Enterprises, executed on April 23, 2013 and amended in April 2014, Data Driven Enterprises will need to be given access to certain data from the WDE (**Data Release Request Point 2**).

The purpose of this memo is to:

- a) clearly specify what data is needed and for what reasons (**Data Release Request Point 1**);
- b) describe how the data will be utilized and analyzed (**Data Release Request Point 3**);
- c) describe how the data will be presented and reported (**Data Release Request Point 4**);
- d) describe all individuals who will be requesting and handling the data (**Data Release Request Point 5**);
- e) indicate the estimate date the data is needed (**Data Release Request Point 6**);
- f) indicate the desired medium of release (**Data Release Request Point 7**); and
- g) provide a detailed overview of all security procedures that will be used in the handling of such data (**Data Release Request Point 8**).

I. **Types of Data**, for the 2013-14 School Year, fall into one of the following categories:

Data Request #1: Student level ACT/PLAN/EXPLORE ("ACT Suite") information in order to generate performance level rates for students with disabilities at the secondary level and to compare the performance of students with disabilities to the performance of students without disabilities. The elements from the ACT Suite requested are: WISER ID and performance scores on each of the subtests and the composite. Also include the WY scale scores.

Data Request #2: Student level PAWS and SAWS information in order to generate performance level rates for students with disabilities at grades 3-8 and to compare the performance of students with disabilities to the performance of students without disabilities. All data elements from the PAWS and SAWS file are requested. All alternate assessment scores at all grade levels are also requested.

Data Request #3: Student level information from the fall WDE 684 special education component in order to analyze and report out on the characteristics of students with disabilities. All data elements from the special education component are requested.

Data Request #4: Student level information from the June WDE 684 special education component in order to analyze and report out on the characteristics of students with disabilities and to report out on the exiting status of students with disabilities. All data elements from the special education component are requested.

Data Request #5: Student information from the fall WDE 684 file in order to examine the enrollment patterns of students with disabilities once they leave special education and to compare the characteristics of students with disabilities to the characteristics of students without disabilities. In addition, information from the WDE 684 will be used to report out on aggregated results by subgroup for the Instructional Foundations for Kindergarten assessment. All data elements from the WDE 684 are requested.

Data Request #6: Student level discipline information from the WDE 636 in order to generate discipline, suspension, and expulsion rates for students with disabilities and how they compare to rates for students without disabilities. All data elements from the special education component are requested.

Data Request #7: Student level graduation and drop-out information in order to provide districts with information on their graduation and drop-out cohorts at the annual data share-out. The most recent graduation data is requested (since there is a data lag, this would be 2012-13 data).

Data Request #8: Student level fall and spring MAP information in order to generate performance level rates for students with disabilities at grades K-10 and to compare the performance of students with disabilities to the performance of students without disabilities. All data elements from the MAP file are requested.

Data Request #9: Student level PAWS growth information in order to generate performance level rates for students with disabilities at grades 3-8 and to compare the performance of students with disabilities to the performance of students without disabilities. All data elements from the PAWS growth file are requested. For 2013-14, this will include student growth percentiles.

Data Request #10: Summary Graduation/Drop-Out Statistics. This is the data generated by WDE that shows the confidential and public graduation and drop-out rate statistics by school, by district, by state for all students, and for each NCLB subgroup, including students with disabilities. The graduation rates include 4-year, 5-year, and 6-year rates. The most recent graduation data is requested (since there is a data lag, this would be 2012-13 data).

Data Request #11: Accountability reports – AYP reports by school and district and the WAEA reports by school. These are reports generated by WDE.

Table 1 provides an overview of: 1) What data will be requested, when and why; 2) how data will be transmitted, utilized and analyzed; and 3) how data will be presented and reported. **Table 1 addresses Data Release Request Points 1, 3, 4, 6, and 7.** Table 1 is followed by a description of which individuals will be responsible for requesting and handling the data as well as an overview of data security procedures to be employed by all authorized individuals having access to the data.

**TABLE 1. Data Being Requested in Order to Comply With General Supervision for IDEA**

Data being requested	Estimated date for data request (Point 6)	Medium of release (Point 7)	Reason for request (Point 1)	How data will be analyzed (Point 3)	How data will be reported (Point 4)
1. Student level ACT/PLAN/EXPLOR E ("ACT Suite") information in order to generate performance level rates for students with disabilities at the secondary level	The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in July-August)	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the secondary level at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.	Student level ACT Suite data will be matched by WISER ID with other special education data. ACT Suite results will be analyzed and reported by demographic group.	ACT Suite data will be matched with student level special education data and provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No ACT-related reports will be shared with persons other than WDE special programs staff members and district special education directors
2. Student level PAWS information in order to generate performance level rates for students with disabilities at grades 3-8. This includes PAWS, PAWS-ALT, SAWS, and SAWS-ALT data.	The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in July-August)	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the elementary and middle school level at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.	Student level PAWS data will be matched by WISER ID with other special education data. PAWS results will be analyzed and reported by demographic group.	PAWS data will be matched with student level special education data and provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No PAWS-related reports will be shared with persons other than WDE special programs staff members and district special education directors.
3. Student level information from the fall WDE 684 special education component in order to analyze and report out on the characteristics of students with disabilities. This includes K-12 and Pre-K student data.	The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in January-February)	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the secondary level at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.	Special education enrollment data will be analyzed and reported out by various demographic groups (e.g., race/ethnicity, primary disability, ELL, grade level, etc.).	Special education enrollment data will be provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No special education-related reports will be shared with persons other than WDE special programs staff members and district special education directors.
4. Student level information from the June WDE 684 special education component in order to analyze and report out on the characteristics of students with disabilities and to report out on the exiting status. This	This request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in August-	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.	Special education enrollment data will be analyzed and reported out by various demographic groups (e.g., race/ethnicity, primary disability, ELL, grade level, etc.).	Special education enrollment data will be provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No special education-related reports will be shared with persons other than WDE special programs staff members and district special education directors.

Data being requested	Estimated date for data request (Point 6)	Medium of release (Point 7)	Reason for request (Point 1)	How data will be analyzed (Point 3)	How data will be reported (Point 4)
includes K-12 and Pre-K student data.	September)				
5. Student information from the fall WDE 684 file in order to examine the enrollment patterns of students with disabilities once they leave special education. This includes all students on the enrollment file.	The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in January-February)	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out. For the purpose of reporting out on IFK data by subgroup.	Enrollment data will be matched with student level special education data analyzed and reported out by various demographic groups (e.g., race/ethnicity, primary disability, ELL, grade level, etc.). In addition, student level enrollment data will be matched by WISER ID with the IFK data. IFK results will be analyzed and reported by demographic group.	Enrollment data will be matched with student level special education data and provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No special education-related reports will be shared with persons other than WDE special programs staff members and district special education directors. In addition, WDE684 data will be matched with student level data collected on the IFK and reported by demographic subgroup; for the IFK, no results will be reported where the student count is fewer than 10 students.
6. Student level discipline information from the WDE 636 in order to generate discipline, suspension, and expulsion rates for students with disabilities	The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in September-October)	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.	Student level discipline data will be matched by WISER ID with other special education data. Discipline results will be analyzed and reported by demographic group.	Discipline data will be matched with student level special education data and provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No discipline-related reports will be shared with persons other than WDE special programs staff members and district special education directors.
7. Student level graduation and drop-out information in order to provide districts with information on their graduation and drop-out cohorts.	The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in November-December)	Password protected excel spreadsheets sent via DDE's secure FTP site.	For the purpose of analyzing performance data at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.	Student level data will be organized by district and provided to special education directors at the data share-out.	Student level data will be organized by district and provided to special education directors at the data share-out.

<p>8. Student level fall and spring MAP information in order to generate performance level rates for students with disabilities at grades K-10</p>	<p>The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally January-February for fall data and August-September for spring data)</p>	<p>Password protected excel spreadsheets sent via DDE's secure FTP site.</p>	<p>For the purpose of analyzing performance data at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.</p>	<p>Student level MAP data will be matched by WISER ID with other special education data. MAP results will be analyzed and reported by demographic group.</p>	<p>MAP data will be matched with student level special education data and provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No MAP-related reports will be shared with persons other than WDE special programs staff members and district special education directors.</p>
<p>9. Student level PAWS-growth information in order to generate performance level rates for students with disabilities at grades 3-8. This includes adequate growth percentile and student growth percentile scores.</p>	<p>The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in July-August)</p>	<p>Password protected excel spreadsheets sent via DDE's secure FTP site.</p>	<p>For the purpose of analyzing performance data at the elementary and middle school level at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.</p>	<p>Student level PAWS data will be matched by WISER ID with other special education data. PAWS results will be analyzed and reported by demographic group.</p>	<p>PAWS growth data will be matched with student level special education data and provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No PAWS-related reports will be shared with persons other than WDE special programs staff members and district special education directors.</p>
<p>10. Summary Graduation/Drop-Out Statistics. This is the data generated by WDE that shows the confidential and public graduation and drop-out rate statistics by school, by district, by state for all students, and for each NCLB subgroup, including students with disabilities. The graduation rates include 4-year, 5-year, and 6-year rates.</p>	<p>The request will be placed by DDE as soon as the data are available and fulfilled by the WDE as soon as possible (Generally in December)</p>	<p>Password protected excel spreadsheets sent via DDE's secure FTP site.</p>	<p>For the purpose of analyzing performance data at the statewide drill down meeting in September, subsequent district drill-down meetings, and the district Data Share-Out.</p>	<p>The public and confidential rates will be compared over time and across subgroups.</p>	<p>These graduation rates will be provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No graduation/drop-out reports will be shared with persons other than WDE special programs staff members and district special education directors.</p>
<p>11. Accountability report data by school and district. This includes AYP data and WAEA data reports.</p>	<p>The request will be placed by DDE as soon as the data are available and</p>	<p>Password protected excel spreadsheets sent via DDE's</p>	<p>For the purpose of analyzing performance data at the statewide drill down meeting in September,</p>	<p>This information will be analyzed by school and district and will be examined over time.</p>	<p>These data will be provided in summary reports to the WDE special programs data review team at the statewide drilldown and district drilldown sessions. No summary data</p>

	fulfilled by the WDE as soon as possible (Generally September)	secure FTP site.	subsequent district drill-down meetings, and the district Data Share-Out.		will be shared with persons other than WDE special programs staff members and district special education directors.
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**II. Individuals Responsible for Handling Data (Data Release Request Point 5):** Officials Requesting the Data: Data Request #1 will be made directly to the WDE by Susan Wagner, President of DDE Data.

Authority to Bind the Organization: Susan Wagner has the authority to bind to any agreement signed herein.

In Charge of Day-to-Day Operations: Susan Wagner is in charge of the day-to-day operations involving the use of the data.

Staff Conducting Analyses on Data: In addition to Susan Wagner, senior researcher Tim Walters, Esther Colwell, and Blake Wilkes of DDE will have access to the data and will assist with analyses.

**III. Security plan for the use of data (Data Release Request Point 8):**

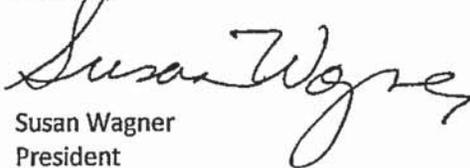
DDE will employ the following security procedures when handling data:

1. Use the data shared under this agreement for no purpose other than that authorized by the Wyoming Department of Education for purposes of fulfilling the Agreement to the Contract between the Wyoming Department of Education and Data Driven Enterprises, executed on August April 23, 2013 and amended in April 2014. DDE further agrees not to share data received with any other entity without prior approval from the WDE.
2. Maintain all data obtained pursuant to this agreement in a secure computer environment and not copy, reproduce, or transmit data obtained pursuant to this agreement except as necessary to fulfill the purpose of this project. All copies of data of any type, including any modifications or additions to data from any source that contains information regarding individual students, are subject to the provisions of this agreement in the same manner as the original data. The ability to access or maintain data under this agreement shall not under any circumstances transfer from DDE to any other institution, entity, or person, without authorization from the WY Department of Education (WDE).
3. Ensure that transmission or transfer of data is done via secured methods by and between Educational Agencies, other institutions authorized to provide data for purposes of this project, and the WDE for purposes of fulfilling the project. This includes: password protecting data files with confidential information if being sent electronically and providing password in a separate communication; and burning password-protected files onto a CD-ROM/DVD/other storage device and shipping via a carrier that tracks their shipments (e.g., FedEx, UPS) and providing tracking information.
4. Not disclose any data obtained under this agreement in a manner that could identify an individual student, except as authorized by FERPA, to any other entity besides WDE. DDE may publicly report information obtained as authorized by the WDE, but specifically agrees to abide by the "small numbers" policy of excluding all data items that include any group of students less than ten (10), and to report data only in aggregate form only with no identifying information. Additionally, reporting of performance percentages for ten (10) or more students will be capped

where applicable as " $\leq 10\%$ " and " $\geq 90\%$ ". Non-public reports may include reports based on fewer than 10 students. For example, at the statewide drilldown, WDE staff members may see results of some subgroups based on fewer than 10 students.

5. Not provide any data obtained under this agreement to any party ineligible to receive data protected by FERPA or prohibited from receiving data from any entity by virtue of a finding under Section 99.31(6) (iii) of Title 34, Code of Federal Regulations.
6. Return to the WDE all data obtained under this agreement when it is no longer needed for the purpose for which it was obtained or upon request from the WDE. Nothing in this agreement authorizes to maintain data beyond the time period reasonably needed to complete the purpose of the request. All data shall be returned to the WDE and any copies maintained by DDE shall be destroyed at the time when WDE attests that the contract is completed and instructs DDE to destroy the data.

Sincerely,



Susan Wagner  
President  
Data Driven Enterprises  
303-255-4648  
[susan@datadrivenenterprises.com](mailto:susan@datadrivenenterprises.com)

## NON-DISCLOSURE AFFIDAVIT

I, **Susan Wagner of Data Driven Enterprises (DDE)**, do solemnly affirm that when given access by the Wyoming Department of Education (WDE) to the following data for the purposes of completing the study titled **General Supervision for IDEA** as directed by Leslie Van Orman, Interim Division Director of Special Programs:

1. Student level ACT/PLAN/EXPLORE ("ACT Suite") information in order to generate performance level rates for students with disabilities at the secondary level and to compare the performance of students with disabilities to the performance of students without disabilities. The elements from the ACT Suite requested are: WISER ID and performance scores on each of the subtests and the composite. Also include the WY scale scores.

2. Student level PAWS and SAWS information in order to generate performance level rates for students with disabilities at grades 3-8 and to compare the performance of students with disabilities to the performance of students without disabilities. All data elements from the PAWS and SAWS file are requested. All alternate assessment scores at all grade levels are also requested.

3. Student level information from the fall WDE 684 special education component in order to analyze and report out on the characteristics of students with disabilities. All data elements from the special education component are requested.

4. Student level information from the June WDE 684 special education component in order to analyze and report out on the characteristics of students with disabilities and to report out on the exiting status of students with disabilities. All data elements from the special education component are requested.

5. Student information from the fall WDE 684 file in order to examine the enrollment patterns of students with disabilities once they leave special education and to compare the characteristics of students with disabilities to the characteristics of students without disabilities. In addition, information from the WDE 684 will be used to report out on aggregated results by subgroup for the Instructional Foundations for Kindergarten assessment. All data elements from the WDE 684 are requested.

6. Student level discipline information from the WDE 636 in order to generate discipline, suspension, and expulsion rates for students with disabilities and how they compare to rates for students without disabilities. All data elements from the special education component are requested.

7. Student level graduation and drop-out information in order to provide districts with information on their graduation and drop-out cohorts at the annual data share-out. The most recent graduation data is requested (since there is a data lag, this would be 2012-13 data).

8. Student level fall and spring MAP information in order to generate performance level rates for students with disabilities at grades K-10 and to compare the performance of students with disabilities to the performance of students without disabilities. All data elements from the MAP file are requested.

9. Student level PAWS growth information in order to generate performance level rates for students with disabilities at grades 3-8 and to compare the performance of students with disabilities to the performance of students without disabilities. All data elements from the PAWS growth file are requested. For 2013-14, this will include student growth percentiles.

10. Summary Graduation/Drop-Out Statistics. This is the data generated by WDE that shows the confidential and public graduation and drop-out rate statistics by school, by district, by state for all students, and for each NCLB subgroup, including students with disabilities. The graduation rates include 4-year, 5-year, and 6-year rates. The most recent graduation data is requested (since there is a data lag, this would be 2012-13 data).

11. Accountability reports – AYP reports by school and district and the WAEA reports by school. These are reports generated by WDE.

I shall not:

1. use or reveal any personally identifiable information furnished, acquired, retrieved, or assembled by me or others for any purpose other than that specified in the April 23, 2013 and subsequent agreements between WDE and DDE;
2. conduct the study in a manner or make any release or publication whereby an individual, student and/or parent, could be identified or the data furnished by or related to any particular student and/or parent can be identified;
3. conduct the study, analysis or report in any manner which would violate the provisions of Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, 34 C.F.R. § 99; or
4. permit anyone other than the individuals listed in the Data Release Request Memo dated August 28, 2014, authored by Susan Wagner, and Department personnel with a legitimate educational interest to examine the data and analysis and individual reports.

In addition, the provisions of the Data Release Request Memo dated August 28, 2014, authored by Susan Wagner, shall apply to the protection and handling of this data and any copies made thereof, this includes specifically, but is not limited to, the language which provides for the destruction or return of the information or data on a date certain.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*Non-Disclosure Affidavit of Data Driven Enterprises  
Page 2 of 3*

Title: President

Organization: Data Driven Enterprises

Date: 9/17/14

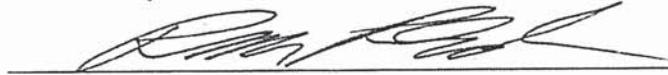
State of Colorado )

) S.S.

County of Adams )

This forgoing NON- DISCLOSURE AFFIDAVIT OF Data Driven hereby acknowledged personally before me by Susan Wajda this 17<sup>th</sup> day of September 2014.

WITNESS my hand and official seal.



My commission expires: 02/04/2017

