

**Data Use Agreement between Jefferson County Public Schools and
REACH of Louisville for Sharing of Raw KIP Survey Data**

1. R.E.A.C.H. of Louisville, Inc. (REACH), under contract with the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID) for the administration of the Kentucky Incentives for Prevention (KIP) survey, will prepare and furnish to the Jefferson County Board of Education, doing business as the Jefferson County Public Schools (JCPS) a limited electronic data set containing raw data and a directory from the **2018** administration of the KIP survey within the JCPS school district. Only data pertaining to students in this district will be released for this purpose.
2. It is understood that these data do not comprise Protected Health Information within the meaning of the Health Insurance Portability and Accountability Act of 1996 and therefore are not subject to the "HIPAA Rules".
3. JCPS represents and warrants that, except as specified and authorized by REACH in writing, such data shall not be disclosed, released, revealed, shown, sold, rented, leased, loaned, or otherwise have access granted to the data covered by this Agreement to any person. Access to the data covered by this Agreement shall be limited to the minimum number of individuals necessary to achieve the purpose stated in this Agreement and to those individuals on a need-to-know basis only. JCPS shall maintain the security and confidentiality of the limited data set as required by applicable laws and regulations, such as the federal Family Educational Rights and Privacy Act.
4. JCPS further covenants and agrees to the following:
 - a. JCPS will use these data for internal statistical and research purposes only. This includes analysis of data for grant application purposes.
 - b. JCPS will not attempt to link these data files with individually identifiable data from other sources.
 - c. In any publication of information or report based on this limited data set, the following language should be included, "This report is based on an internal analysis of the Jefferson County school district KIP Survey raw data. The KIP Survey is administered bi-annually by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities, using no federal Department of Education funds."
 - d. JCPS shall use or disclose the limited data set only as permitted by this Agreement or as required by law.
 - e. JCPS shall use appropriate internal safeguards to prevent the use or disclosure of the limited data set for anything other than district- and building-wide planning.
 - f. JCPS shall provide a written report to REACH and DBHDID of any use or disclosure of the limited data set not authorized in this Agreement, including the remedial action taken by JCPS within three (3) business days of the unauthorized use or disclosure.
 - g. JCPS may not disclose the limited data set to anyone other than those authorized by the JCPS Superintendent without the express written permission of DBHDID.
 - h. JCPS agrees not to use the information in the limited data set to identify or contact the individuals who are data subjects.

- i. JCPS will not share raw data from the KIP survey with external researchers without receiving confirmation from the Prevention Branch of the DBHDID that the intended use is consistent with the intent and policies of the DBHDID.

This Agreement supplements the 2018 KIP Student Survey Memorandum of Understanding signed by the JCPS Superintendent for the purpose of participation in the 2018 KIP Survey, which remains in force.

Each of the undersigned individuals hereby attests that he or she is authorized to enter into this Agreement on behalf of their respective organizations, and agrees to all of the terms specified herein.

The sharing of this data has been authorized by the JCPS Superintendent by his signature to this Agreement.

 6-14-2018

Margaret Pennington, R.E.A.C.H. of Louisville, Inc.
(Under contract with DBHDID for administration of the KIP Survey)

Dr. Marty Pollio, Superintendent of the Jefferson County Public Schools