

**MEMORANDUM OF UNDERSTANDING REGARDING ACCESS TO PRIVATE
EDUCATION DATA**

1. North Metro Flex Academy (NMFA) is a charter school operating under Minn. Stat. § 124E.01 *et seq.*
2. Minn. Stat. § 124E.03 subd. 5 requires that NMFA comply with the Minnesota Government Data Practices Act (MGDPA).
3. NMFA has contract with ACCEL to provide day to day operational and management services. Because of the nature of those services, ACCEL personnel, including NMFA's principal and office manager, will have access to "private education" data as that term is defined in MGDPA.
4. Minn. Stat. § 13.05 subd. 6 provides as follows:

Contracts. Except as provided in section 13.46, subdivision 5, in any contract between a government entity subject to this chapter and any person, when the contract requires that data on individuals be made available to the contracting parties by the government entity, that data shall be administered consistent with this chapter. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.

5. Minn. Stat. § 13.05 subd. 11 provides as follows:

Privatization. (a) If a government entity enters into a contract with a private person to perform any of its functions, all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions is subject to the requirements of this chapter and the private person must comply with those requirements as if it were a government entity. All contracts entered into by a government entity must include a notice that the requirements of this subdivision apply to the contract. Failure to include the notice in the contract does not invalidate the application of this subdivision. The remedies in section 13.08 apply to the private person under this subdivision.

6. ACCEL acknowledges and affirms that it is specifically subject to the statutory provisions referenced in paragraphs 4 and 5 above; moreover, ACCEL agrees that its employees who have access to private education data are also bound by these provisions, including but not limited to administration of MARSS data collection and entry.

Dated:

By: _____

A large, stylized handwritten signature in green ink, appearing to read 'Kathy', is written over the signature line and extends to the right.

Kathy Hanson, NMFA Board Chair

Dated:

By: _____

ACCEL