



State of Louisiana

Representative Jim Tucker, Speaker

Louisiana House of Representatives
Louisiana State Capitol
900 North Third Street
Baton Rouge, Louisiana 70804

Dear Speaker Tucker:

As you know, House Concurrent Resolution 212 of the 2010 Regular Session by Representative Joe Harrison requests that the Board of Regents, the Department of Revenue, and the Louisiana Workforce Commission work together to report on current data sharing cooperation to advance efforts to successfully track Louisiana's graduates into the workforce; to share data and information related to the success of Louisiana's postsecondary graduates in the workforce; and to submit to the House and Senate Committees on Education a joint written report of progress relative to such cooperation and any recommendations for related legislation.

Attached is the Joint Report in response to HCR 212 that our staffs have prepared. Thank you for your support of our agencies as we continue to share and collaborate for a better Louisiana.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Levy".

Robert "Bob" Levy, Chair
Louisiana Board of Regents

A handwritten signature in blue ink, appearing to read "Cynthia Bridges".

Cynthia Bridges, Secretary
Louisiana Department of Revenue

A handwritten signature in blue ink, appearing to read "C. Eysink".

Curt Eysink, Executive Director
Louisiana Workforce Commission

cc:
Representative Austin J. Badon, Jr.,
Nancy Jolly
Paul Jones
Tom Layzell
Kim Hunter Reed
Ted James
Jay Augustine
Carolyn Blanchard

**RESPONSE TO HOUSE CONCURRENT RESOLUTION NO. 212
OF THE 2010 REGULAR SESSION OF THE LOUISIANA
LEGISLATURE**

**LOUISIANA BOARD OF REGENTS
LOUISIANA WORKFORCE COMMISSION
LOUISIANA DEPARTMENT OF REVENUE**

FEBRUARY 2011

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BACKGROUND & INTRODUCTION

Louisiana is not the only state that is grappling with the issue of data sharing. In September 2010, the United States Government Accountability Office (GAO) issued a report indicating that postsecondary education plays an important role in producing a skilled workforce able to compete in the global economy. Some stakeholders suggested that collecting information on graduates' employment outcomes—whether they are employed in their field of study, for example—will provide better information to help assess the impact of a postsecondary education. The Higher Education Opportunity Act directed GAO to study the information that states have on the employment outcomes of postsecondary graduates.

According to a 2010 national study of state education databases, twenty-six (26) states collected employment-related data, such as data on salary and industry, and on individual postsecondary graduates by linking student databases with states' labor data. Officials in seven states reported using graduates' employment data for a variety of purposes, including economic development and institutional feedback.

Additionally, some state officials said that they faced challenges in their data collection efforts, including the means by which they can appropriately link student and employment data and comply with the Family Educational Rights and Privacy Act (FERPA), a federal act which prohibits disclosing a student's education records without written consent. U.S. Education officials acknowledged that confusion exists among some states and said they are planning to provide further guidance on data sharing, but as of September 2010, further guidance had not been issued.

Like other states, Louisiana is working to achieve interagency collaboration and partnership around data sharing. House Concurrent Resolution No. 212 of the 2010 Regular Session of the Louisiana Legislature (HCR 212) addresses the issue of data sharing by urging and requesting the Board of Regents, the Department of Revenue (LDR), and the Louisiana Workforce Commission (LWC)

to work cooperatively relative to the reporting and sharing of certain information and data, including but not limited to information and data related to the success of Louisiana's postsecondary graduates in the workforce, and to submit jointly a written report of progress relative to such cooperation and any recommendations for related legislation to the House Committee on Education and the Senate Committee on Education. (*Appendix A*).

The Regents have a long history of data and information sharing (both at the unit level and aggregate level). Information is utilized to plan, coordinate, and assess postsecondary education initiatives and progress. From a custodial perspective, any discussion regarding data sharing must include all federal and state laws that protect the student's right to privacy, particularly FERPA.

With respect to data sharing and related projects, the BOR has historically been engaged in efforts to improve education and advance postsecondary and workforce opportunities for students. Examples of data sharing partners include: 1) Department of Education (DOE) – Student Transcript System (STS); 2) DOE – First-time Freshmen (FTF) Report; 3) LaSIP/LaGEARUP; 4); Louisiana public postsecondary education institutions - enrollment verification, transfer, graduation, etc.; 5) ACT, Inc. - FTF assessment, course performance, preparation assessment; 6) LWC – WorkKeys and Scorecard 7) Louisiana Office of Student Financial Assistance (LOSFA) - enrollment and graduation verifications (primarily biographical

data on students) and TOPS Reporting System; 8) Foundations and other educational organizations, such as NCHEMS, Lumina, SREB, etc.; and 9) the Board of Regents and the Louisiana Workforce Commission - Data Sharing Agreement, March 2010 (*Appendix B*).

PROCESS

To address HCR 212 specifically, three basic steps had to be taken. The first step was to inventory the current data sharing agreements in place between the Board of Regents, hereinafter referred to as the “BOR”, and the Louisiana Workforce Commission, hereinafter referred to as the “LWC”, cited above. The second step was to meet individually with both partner agencies to discuss: a) HCR 212; b) any new agency or state policies and/or legal considerations relative to data sharing which should be considered; and c) appropriate next steps to address the mandates of HCR 212. The third step was to research and examine any existing Revised Statute(s) on data sharing to determine if an amendment or new legislation would be necessary to satisfy the requirements of the resolution.

FINDINGS

Over the past several years, the Louisiana Board of Regents has participated in data sharing opportunities with other state agencies to address job readiness, employment and transition patterns of public postsecondary education students. In 2000, the BOR designed a data system to collect and process site-level workforce data for the purpose of issuing the state’s workforce certificate, Louisiana WorkReady! (LWR) Certificate. In cooperation with the LWC, BOR staff developed a technological interface and data system for processing WorkKeys data in order to produce the LWR! Certificates (*Appendix C*). The system housed the *WORKReady!* data reported by various WorkKeys Assessment sites for their test-takers. System capacity included the ability

to issue various Certificate Production Reports (e.g. - by certificate level, region, administration site, etc.). Once Regents validated, processed and assigned each credential a unique number, a “clean” file containing the certificate information was then transmitted to the LWC. The Commission printed and issued the certificates, then forwarded them to the submitting test site for issuance to the recipient(s) until 2009.

Since the inception and implementation of the State’s Workforce Scorecard and Occupational Forecasting processes, the BOR has been a data contributor. Annually, the BOR provides enrollment and completer data to LWC for evaluating workforce development programs through the Scorecard and shares data at the program level with LWC for use in Scorecard.

In March 2010, the two agencies took a formal step in the data sharing process by entering into a Data Sharing Agreement. The purpose of the Agreement is to enable LWC to share confidential information obtained through its administration of Louisiana’s unemployment compensation system with the BOR. BOR uses the information in performing its official duties related to program evaluation by determining how many of its graduates are working in Louisiana. The data sharing agreement follows all legal requirements regarding sharing and protection of individual records.

Additionally, the data sharing agreement between LWC and the BOR addresses secure data transfer, confidentiality safeguards, audits, monitoring and investigation. Each agency also signed a Confidentiality Acknowledgement designating an individual to serve as Custodian for the purpose of implementing the Data Sharing Agreement and ensuring compliance by authorized users.

A preliminary run of the data revealed that based on certain demographic information in the completer file, BOR was able to determine if resident completers were employed in Louisiana. It was also determined that an employment rate could be calculated since data were available to confirm the number of students who were found employed based on the UI wage record match. This analysis does not provide a complete picture of employment since it is based only on those employers that contribute to the UI Wage Records and therefore does not include those individuals who are self employed, employed outside of Louisiana, or are employed in occupations or entities that do not participate in the UI records system.

Any analysis utilizing UI wage records must recognize the following parameters:

1. The absence of a wage record does not equate to being unemployed;
2. Existence of a wage record indicates that an individual was employed; however it does not show that the individual was employed in the field in which the individual graduated;
3. Without a pre-degree completion data hit, it is uncertain as to whether the employment was a result of the training;
4. The quarterly wages give good information to establish certain thresholds, e.g. living wage or a baseline wage level to measure change over time.
5. Data also provide good information as a proxy for retention. However, it does not indicate that the individual was retained by the same employer.
6. The wage match for the 2nd and 6th quarters may indicate employment with the same employer, but it does not show that the employment was necessarily continuous.

Although the use of the data set is in its infancy, preliminary reports indicate that of the 2006 and 2007 graduating classes of Louisiana undergraduates not reenrolled in Louisiana's public colleges and universities, approximately 70% were employed in the second quarter following graduation, according to the UI records. The graduates identified earned certificates, diplomas, associate or baccalaureate degrees. The 70% rate does not include those who were employed

outside Louisiana, self employed or in occupations and entities which do not participate in the UI record system. Now that BOR has conducted its initial run of the data and confirmed the initial findings, the goal will be to incorporate this information into performance measures and attainment goals.

The data file also provides quarterly wages and employment outcomes. The next step is to use this data to evaluate the UI records among varying degree levels in two ways. The first will determine the employment status and wage rate by the varying level of degrees; specifically, to identify which completers are employed and at what wage rate. The second is to identify, by discipline, the wages of employed graduates in Louisiana.

Regents and LWC are continuing to work collaboratively on these issues. The ability to consistently report on the employment of Louisiana's public postsecondary graduates, their earnings and their degrees of study will assist in addressing the lingering questions of workforce alignment.

Additionally, the BOR serves on the Workforce Investment Council (WIC), the State's Workforce Investment Board. The WIC develops a strategic plan to coordinate and integrate a workforce development delivery system to assure efficiency and cooperation between public and private entities. The BOR provides data to support the preparation of the State's Strategic Workforce Plan; and to assist the WIC in accomplishing its goals of:

- ***Promoting the development of a well-educated, highly skilled workforce through a comprehensive system.***
- ***Advocating for an integrated workforce development delivery system.***
- ***Developing strategies that will address upgrading workforce skills.***

- *Ensuring that resources are equitably distributed statewide.*

In addition to collaboration with the Workforce Commission, the next step of the resolution was to meet with the Department of Revenue. The Board of Regents and Louisiana Department of Revenue staffs have met to investigate potential opportunities through data sharing. During this process, staffs discussed the legal limitations as well as a current statute allowing data sharing between LWC and LDR. It was suggested that the statute be amended to include the BOR in order to allow data sharing with this agency. The BOR and LDR intend to enter into a formal agreement once statutory limitations are removed.

Both the BOR and the LDR have determined that while there will be some limitations to the information collected, it would nevertheless enhance the BOR's ability to determine what a graduate is earning as well as the tax contributions of public postsecondary graduates. An example of a shortcoming in the data would be the inability to isolate and determine an individual wage earner's salary for married couples that file jointly on their tax returns. Overall, the BOR believes that aligning LDR and LWC data would provide an enhanced, more comprehensive data snapshot for making informed state policy decisions.

CONCLUSIONS AND RECOMMENDATIONS

In accordance with HCR 212, this report has identified the current data sharing agreements between the BOR, LWC and LDR. The three collaborating agencies will continue to review, refine and expand data sharing agreements in order to enhance each agency's ability to use data to evaluate its performance and track Louisiana's graduates into the workforce. In order to

achieve this goal, the Board of Regents, the Workforce Commission and the Louisiana Department of Revenue jointly recommend that current law be amended to make it clear that it is in the State's best interest for the three agencies to share data. Specifically, R.S. 47 § 1508 which addresses data sharing should be amended to include the following provision:

(29) The sharing or furnishing, in the discretion of the secretary, of information to the Louisiana Board of Regents for the purposes of generating data related to the success of the Louisiana's postsecondary graduates in the workforce. Any information shall be considered and held confidential by the Louisiana Board of Regents to the same extent heretofore provided.

Once the legislature acts on this suggested statutory change and the BOR is able to enter into a data sharing agreement with LDR, the kinds of analysis that HCR 212 suggests can be more successfully undertaken. In the meantime, staff will continue to collaborate with LWC on its initial data sharing agreement and analysis of the impact of Louisiana's graduates in the workforce of the state.

Data shortcomings should be addressed in order to allow for the identification of graduates who are working in their field of study. One suggestion could be to amend the Louisiana tax return forms to include the collection of this information. Going forward, if successful in amending the legislation and entering into more robust data sharing agreements, it is the intention of the agencies to answer the following types of questions:

1. Are Louisiana postsecondary graduates becoming gainfully employed in Louisiana?
2. For those employed, what are their short term and long term earnings?
3. Which degrees have the highest in state retention and contribution to the state?

While the agencies have a strong history of partnerships and cooperation, the Board of Regents, Workforce Commission and Department of Revenue look forward to further collaboration and data sharing opportunities. Adopting the recommendations in this report will assist in advancing that goal and provide significant information regarding the workforce alignment of Louisiana public postsecondary programs.

APPENDIX A

**HOUSE CONCURRENT RESOLUTION NO. 212
BY REPRESENTATIVE HARRISON**

APPENDIX A

ENROLLED

Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 212

BY REPRESENTATIVE HARRISON

A CONCURRENT RESOLUTION

To urge and request the Board of Regents, the Department of Revenue, and the Louisiana Workforce Commission to work cooperatively relative to the reporting and sharing of certain information and data, including but not limited to information and data related to the success of Louisiana's postsecondary graduates in the workforce, and to submit jointly a written report of progress relative to such cooperation and any recommendations for related legislation to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning of the 2011 Regular Session of the Legislature of Louisiana.

WHEREAS, there is concern that some students are graduating from public postsecondary education institutions in Louisiana without the skills or knowledge to successfully enter the workforce; and

WHEREAS, having a professional and highly skilled workforce is critical to the overall success of the state; and

WHEREAS, coordination and collaboration on data related to the success of graduates in the workforce would aid public postsecondary institutions in improving their overall effectiveness and efficiency and would be a positive step toward improving educational and employment outcomes in the state of Louisiana.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Board of Regents, the Department of Revenue, and the Louisiana Workforce Commission to work cooperatively relative to the reporting and sharing of certain information and data, including but not limited to information and data related to the success of Louisiana's postsecondary graduates in the workforce, and to submit jointly a written report of progress relative to such cooperation and any recommendations for related legislation to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning

of the 2011 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the chairman of the Board of Regents, the commissioner of higher education, the secretary of the Department of Revenue, and the executive director of the Louisiana Workforce Commission.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

APPENDIX B

**DATA SHARING AGREEMENT BETWEEN
THE LOUISIANA WORKFORCE COMMISSION AND
THE LOUISIANA BOARD OF REGENTS**

APPENDIX B

DATA SHARING AGREEMENT BETWEEN THE LOUISIANA WORKFORCE COMMISSION AND THE LOUISIANA BOARD OF REGENTS

The Louisiana Workforce Commission ("LWC"), 1001 N. 23rd St., Post Office Box 94094, Baton Rouge, Louisiana 70804-9094, and the Louisiana Board of Regents ("BOR"), 1201 N. Third St., Post Office Box 3677, Baton Rouge, Louisiana 70821-3677, hereby enter this agreement for the sharing of LWC data and FERPA data ("shared data") with each other subject to the following terms and conditions:

1. PURPOSE AND LEGAL AUTHORITY

The purpose of this agreement is to enable LWC to share with BOR confidential information obtained by it through its administration of Louisiana's unemployment compensation system for the BOR's use in performing its official duties related to program evaluation and to allow BOR to share educational data with LWC for use in its Scorecard. This data sharing agreement is authorized for such purposes by, is subject to, and shall be construed in a manner consistent with 20 Code of Federal Regulations (CFR) Part 603, Louisiana Revised Statute 23:1660, Louisiana Revised Statutes 23:71-76, Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232 g., and 34 CFR 99.

2. CUSTODIANS

In order to establish one primary point of contact between BOR and LWC, both agencies will name custodians of the shared data. Lance Neal shall be BOR's "Custodian" of the shared data received from LWC and shall be responsible for assuring BOR's compliance with the terms and conditions of this data sharing agreement. Cynthia Francise shall be LWC's "Custodian" of the shared data received from BOR and shall be responsible for assuring compliance with the terms and conditions of this data sharing agreement. The Custodians shall inform all authorized users of their responsibilities for complying with the terms of this agreement and the potential penalties for such failure in a manner that is documented and verifiable.

The agencies shall immediately notify each other if the designation of a new Custodian becomes necessary. Designation of a new Custodian shall be subject to the other agency's approval, which approval shall not be unreasonably withheld.

3. AUTHORIZED USERS

Only the Custodians and authorized users of the recipient agencies shall have access to shared data. Both agencies reserve the right to limit the number of authorized users to the number of authorized users that it determines is necessary to fulfill the data sharing objective. Both agencies acknowledge that they will be expected to establish methods of using shared data that

minimize the number of persons having remote or other access (for example, allowing one person in a workgroup access rather than permitting access to the entire workgroup).

Each agency agrees to furnish the other a list showing the names, official titles, and telephone numbers of their respective agency employees authorized to receive information to be exchanged. Use of shared data by anyone other than an authorized user including another of Recipient's employees or contractors, or by any other person is prohibited and shall be grounds for the immediate termination of this Agreement.

4. DATA TO BE SHARED

LWC agrees to share the following information pursuant to this Agreement, which shall be referred to "shared data" in this Agreement:

- I. BOR will share with LWC completer files and enrollment files for three years ending with the 2008-2009 school year. Thereafter, LWC will receive an annual update of enrollment and completer files around August/September of each year until the expiration of this agreement.
- II. LWC will supply the following information to BOR on an annual basis for program completers until the expiration of this agreement:
 - a. Six digit NAICS of employers for which wages are reported subsequent to program completion
 - b. Size Code of employers for which wages are reported subsequent to program completion
 - c. Parish Code of employers for which wages are reported subsequent to program completion
 - d. Quarterly wage reports for certain quarters subsequent to program completion

5. USE OF SHARED DATA

All shared data shall be used by the LWC solely and exclusively for the following purpose(s):

LWC will use program completer and enrollment files only to compile aggregate data for programs with five or more completers for use in compiling the Scorecard and other labor market statistical data deemed necessary under La. R.S. 23:71-76.

All shared data shall be used by BOR only for the purpose of compiling statistics to evaluate the effectiveness and success of educational programs, and gainfully meeting the demands of workforce needs.

To the extent that shared data includes unemployment insurance information such as wage records, the BOR shall not use the shared data in any manner not permitted by 20 Code of Federal Regulations (CFR) Part 603. Access to the information received by BOR pursuant to this agreement shall be limited to those with a need to access it for these purposes.

6. WARRANTY AND INDEMNIFICATION

BOR represents and warrants that, in receiving shared data from LWC, such data shall be used solely for purposes authorized by law and 20 Code of Federal Regulations (CFR) Part 603, and described in this Agreement. BOR acknowledges that the LWC has entered into the data sharing agreement in reliance upon this warranty.

In providing the shared data to the BOR, LWC makes no representations or warranties of any kind regarding said data, including specifically but not by way of limitation, any warranty of fitness for the BOR's use for any purpose, or any warranty as to the quality or correctness of the shared data. BOR shall indemnify and hold harmless the LWC against any suits, claims, actions, complaints or liability of any kind, including legal costs, which relate to the BOR's use of or reliance on data received from LWC.

Likewise, LWC represents and warrants that, in receiving shared data from BOR, such data shall be used solely for purposes authorized by law and described in this Agreement. LWC acknowledges that the BOR has entered into the data sharing agreement in reliance upon this warranty.

In providing the shared data to LWC, BOR makes no representations or warranties of any kind regarding said data, including specifically but not by way of limitation, any warranty of fitness for LWC's use for any purpose, or any warranty as to the quality or correctness of the shared data. LWC shall indemnify and hold harmless the BOR against any suits, claims, actions, complaints or liability of any kind, including legal costs, which relate to the LWC's use of or reliance on data received from BOR.

7. CRIMINAL AND CIVIL PENALTIES

LWC and BOR acknowledge that criminal penalties may be imposed on it and/or its employees for the wrongful use or disclosure of the shared data. Louisiana Revised Statute 23:1660, prohibits violations of this confidentiality requirement for unemployment insurance data and imposes a fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500) or imprisonment for not less than ten (10) days nor more than ninety (90) days, or both; additionally, civil penalties may be awarded. Additionally, violations related to information exchanged pursuant to La. R.S. 23:75, in addition to other penalties, are subject to fines of not less than \$500 nor more than \$2,000.00 for each offense as specified under La. R.S. 23:75(C)(3) and not less than \$1,000.00 nor more than \$10,000.00 or imprisonment for not less than thirty days nor more than six months or both in accordance with La. R.S. 23:75 (D)(3)(c).

Other state law criminal penalties that may apply include R.S. 14: 73.5, Computer fraud, with a fine of not more than ten thousand dollars (\$10,000), or imprisonment with or without hard labor for not more than five (5) years, or both, and R.S. 14:73.7, Computer tampering, with a fine of not more than five hundred dollars (\$500) or imprisonment for not more than six (6) months, or both.

Both agencies agree to inform all of their employees having access to shared data of these possible criminal and civil penalties.

8. METHOD OF SHARING

Each agency shall transfer data in a protected manner and in such a way so as not to permit the person identification of any individual. Data shall be exchanged electronically and all individual and firm specific information shall be encrypted. Unencryption shall take place in the computer systems' core memory. While in possession of each agency, all files containing personally identifiable or firm-specific information shall be stored in a secure environment.

9. CONFIDENTIALITY SAFEGUARDS

The shared data which is supplied by LWC and derived from the unemployment insurance program, such as wage records, is confidential pursuant to 20 Code of Federal Regulations (CFR) Part 603 and Louisiana Revised Statute 23:1660, and all confidentiality requirements thereby required are hereby incorporated into and made a requirement of this Agreement. The unemployment insurance data is not subject to public disclosure under the Louisiana Public Records Law, R.S. 44:1 *et seq.*

The shared data which is supplied by BOR and derived from educational records is confidential and protected by the Family and Educational Rights Program (FERPA) 20 U.S.C. 1232g and 34 CFR 99. These educational records with the exception of certain directory information are not subject to public disclosure under the Louisiana Public Records Law, R.S. 44:1 *et seq.*

BOR and LWC agree to establish appropriate administrative, technical and physical safeguards to safeguard the confidentiality of the shared data supplied by each party and to prevent unauthorized use of or access to it. Only the Custodian and authorized users shall be allowed access to the shared data, and their access shall only be for the purposes authorized by law and described in this agreement.

Both agencies agree to store all shared data in a place that is physically secure from access by unauthorized persons. Additionally, both agencies agree to store and to process shared data supplied in an electronic format, such as magnetic tapes or discs, in such a way that unauthorized persons cannot obtain the data by any means. Both agencies shall undertake precautions to ensure that only authorized personnel are given access to shared data stored in computer systems. If the data is shared via access to a computer data base, both agencies agree not to store or allow its employees to store any confidential information received from each other on any portable storage media or peripheral device (*e.g.*, laptops, thumb drives, hard drives, etc.) or to print out any shared data except to the extent that printed data is essential to the authorized use of shared data. No data shall be made public that would allow the identity of any individual or employing unit to be inferred by either direct or indirect means.

Both agencies shall instruct all personnel having access to shared data about the confidentiality and security requirements affecting the shared data and shall ensure that they adhere to those requirements and procedures required under the terms of this Agreement.

Both agencies agree to notify each other within fifteen (15) days of the resignation or termination from employment of any person having access to shared data, or if any person who has such access to shared data no longer requires such access to shared data. The purpose of this requirement is to effect the prompt disabling of any such person's access to shared data, remote or otherwise. Failure to provide such information may result in the immediate termination of this Agreement.

The BOR shall be responsible and liable for ensuring that the confidentiality of shared LWC data received is maintained as required under both federal and state laws, and shall indemnify and hold harmless the LWC against any suits, claims, actions, complaints, liability of any kind, or legal costs, related to or arising from any breach of the confidentiality of shared LWC data or the misuse of shared LWC data.

Likewise, the LWC shall be responsible and liable for ensuring that the confidentiality of shared BOR data received is maintained as required under both federal and state laws, and shall indemnify and hold harmless the BOR against any suits, claims, actions, complaints, liability of any kind, or legal costs, related to or arising from any breach of the confidentiality of shared BOR data or the misuse of shared BOR data.

Under no circumstances shall shared data be used for any purpose other than the statistical purposes for which the data is furnished.

LWC and BOR shall dispose of shared data, including all copies thereof, after the purpose for disclosure has been served. "Dispose" means the return of the information to the LWC or BOR no later than thirty days following the completion of its intended purpose or the destruction of the information no later than thirty days following the completion of its intended purpose.

LWC and BOR agree to fully and promptly report to each other any infraction or violation of the confidentiality or security requirements set forth in this data sharing agreement, and agree to take appropriate disciplinary action against anyone found to have violated the terms of this Agreement or applicable federal or state law.

10. SHARING OF DATA WITH OTHERS

Both agencies, including all persons working for it or on its behalf, shall not disclose any shared data with others, including but not by way of limitation, unauthorized employees, contractors, subcontractors, or other government entities without prior written approval.

BOR acknowledges that, under R.S. 23:1660(C)(1), shared unemployment data such as wage records generally is exempt from subpoena. BOR shall immediately notify LWC of any subpoenas or similar demands served on or otherwise received by it which seek to compel the production of shared LWC data. BOR shall cooperate with LWC in LWC efforts, at LWC's expense, to intervene or otherwise seek to quash, limit or resist the production of shared LWC data.

LWC acknowledges that shared BOR data generally is exempt from subpoena. LWC shall immediately notify BOR of any subpoenas or similar demands served on or otherwise received

by it which seek to compel the production of shared BOR data. LWC shall cooperate with BOR in BOR efforts, at BOR's expense, to intervene or otherwise seek to quash, limit or resist the production of shared BOR data.

11. AUDITS, MONITORING, AND INVESTIGATION

BOR shall maintain a system of compliance with the confidentiality and other requirements of this Agreement sufficient to permit an audit of compliance, including but not by way of limitation on-site inspections, and shall permit and cooperate with such periodic compliance audits as the LWC may require, subject to reasonable BOR security procedures.

BOR acknowledges that 20 CFR Part 603 permits the LWC to audit data sharing recipients' compliance with the confidentiality requirements and restrictions on the use of shared data contained therein. BOR agrees to permit the LWC's Internal Audit Division or any other designated agent of the LWC to audit, monitor and/or investigate BOR's compliance with this data sharing agreement through on-site visitation or other reasonable means at BOR's premises (or the premises of the BOR's contactors, if applicable) and at BOR's expense. The LWC may periodically audit a sample of transactions of the shared data to ensure compliance with this Agreement. BOR will make the records and/or data received from LWC available for review by staff of the LWC at the time of any on-site visitation. BOR (and BOR's contractors, if applicable) shall fully and promptly cooperate, assist and comply with such audit, monitoring, on-site inspecting, investigative and related activities. BOR's (or BOR's contractor's, if applicable) failure to perform this duty shall be grounds for the immediate termination of BOR's access to shared data.

12. COSTS

Having each determined that the benefits of the data obtained pursuant to this agreement are commensurate with the cost of providing the data to the other, each Agency agrees to bear its operating costs associated with this Agreement.

However, BOR acknowledges that 20 CFR §603.10(c)(2) requires it to pay and hereby agrees to pay all costs incurred by the LWC in enforcing or pursuing any breach of confidentiality of unemployment compensation data described in this Agreement by BOR, which costs shall include all costs referenced in 20 CRF §603.10(c)(2).

13. TERM OF AGREEMENT

This Agreement shall begin upon the last date of signature by the Parties to this Agreement and shall terminate no sooner than June 30, 2013, and will remain in effect until and unless terminated by either party upon thirty (30) days written notice to the other party of such termination and specifying the effective date thereof. Upon termination of this agreement, all records and information, which is the property of BOR, shall be immediately returned to BOR by LWC, or properly destroyed. All records and information, which is property of LWC, shall be immediately returned to LWC by BOR, or properly destroyed.

All provisions of this Agreement concerning confidentiality and restrictions on data use shall survive the expiration of this Agreement.

14. TERMINATION OF THIS AGREEMENT

Either party may terminate this Agreement by giving thirty (30) days written notice, with or without cause. Either party may terminate this Agreement by giving less than thirty (30) days notice for good cause. Good cause includes, but not by way of limitation, emergency; insufficient appropriations; changes in governing state and/or federal laws or regulations, or in interpretations thereof, that render performance hereunder by either party illegal, impractical, or impossible; or a breach of this Agreement by Recipient that impairs the confidentiality safeguards it provides.

All provisions of this Agreement concerning confidentiality and restrictions on data use shall survive any termination of this Agreement.

15. AMENDMENT OF THIS AGREEMENT

All or part of this Agreement may be amended by written amendment signed by both parties.

16. DISCRIMINATION

Both agencies agree to abide by the requirements of the following nondiscrimination and equal opportunity provisions of the following laws, as applicable: Section 188 of the Workforce Investment Act of 1998 (WIA), as amended, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity, including Title VI and Title VII of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972, as amended; Federal Executive Order 11246, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Vietnam Era Veteran's Readjustment Assistance Act of 1974, as amended; Title IX of the Education Amendments of 1972, as amended; the Age Discrimination Act of 1975, as amended; the Americans with Disabilities Act of 1990, as amended; the Fair Housing Act of 1968, as amended, and all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 37.

Both agencies agree not to discriminate in its employment practices and will render services under this contract without regard to race, color, religion, sex, national origin, veteran status, political affiliation, or disabilities.

Any act of discrimination committed by either agency, or failure to comply with these statutory obligations when applicable, shall be grounds for termination of this contract.

17. ENTIRE AGREEMENT

This Agreement is complete and contains the entire understanding between the parties relating to the sharing of data between the parties. This Agreement supersedes any and all other agreements between the parties regarding the release/receipt of data maintained by the parties.

Both agencies agree to abide by all provisions set out in this Agreement for protection of shared data and acknowledge having received notice of potential criminal, administrative, and/or civil penalties for violation of the terms of this Agreement.

18. ACKNOWLEDGEMENT

By signing this Agreement, both parties acknowledge that all personnel who will have access to shared data have been instructed about the confidentiality requirements of this Agreement, that they will adhere to these confidentiality requirements and procedures, and hereby agree to report any infraction of these requirements fully and promptly.

THUS DONE AND SIGNED on the date(s) shown below.

BY: LOUISIANA WORKFORCE COMMISSION

Carey E. Foy
Chief of Staff

Date

BY: LOUISIANA BOARD OF REGENTS

Name
Title

Date

APPENDIX C

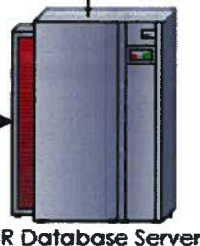
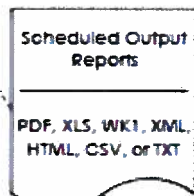
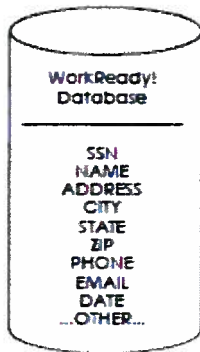
WORKREADY! CERTIFICATE WEB APPLICATION

APPENDIX C

WORKREADY! CERTIFICATE WEB APPLICATION

Board of Regents/Workforce Commission WorkReady! Certificate Web Application

2. Production reports can be run nightly, weekly, monthly or "on-demand". Certificates, Reports and Data Extracts are all accessible via the web application.



1. Database is custom designed to capture all information required to produce certificates

Web Application

CGI/DB2

HTML Forms / Download Certificates and Reports



Required: http Browser (IE, Netscape, JavaScript compatible with Adobe Acrobat Reader)

4. Submitted tests are processed regularly and assigned a unique certificate number by BoR. These certificate records are transmitted to the WFC, where certificates are printed and issued.

3. Application can be accessed through any internet connected computer that has HTML 2.0 JavaScript compatible browser. The application can be protected using "basic" authentication via an internet user validation list.

APPENDIX D

R.S. 47 § 1508

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R.S. 47 § 1508

§1508. Confidential character of tax records

A.(1) Except as otherwise provided by law, the records and files of the secretary of the Department of Revenue or the records and files maintained pursuant to a tax ordinance, excluding ad valorem property taxes and ad valorem property tax assessment rolls, of any political subdivision are confidential and privileged, and no person shall divulge or disclose any information obtained from such records and files except in the administration and enforcement of the tax laws of this state or of a political subdivision of this state.

(2) No person shall divulge or disclose any information obtained from any examination or inspection of the premises or property of any person in connection with the administration and enforcement of the tax laws of this state or a political subdivision of this state except to the taxing jurisdiction of his employment or, in the case of an already existing independent contractor arrangement, to the contracting taxing jurisdiction.

(3) Neither the secretary nor any employee engaged in the administration or charged with the custody of any such records or files shall be required to produce any of them for inspection or use in any action or proceeding, except in an action or proceeding in the administration or enforcement of the tax laws of this state or of a political subdivision.

B. Nothing herein contained shall be construed to prevent:

(1) The delivery to a taxpayer or his duly authorized representative of a copy of any return, report, or any other paper filed by him pursuant to the provisions of this Title or pursuant to the provision of a tax ordinance of a political subdivision, or any information regarding a taxpayer's individual income tax account even if the information has been provided by a third party pursuant to the provisions of this Title.

(2) The publication of statistics so classified as to prevent the identification of any return or report and the items thereof.

(3) The use of reports filed by a taxpayer under one Chapter of this Title or an ordinance of a political subdivision, in an action against the same taxpayer for a tax due under another Chapter of this Title, or another tax ordinance of the political subdivision.

(4) The inspection by the attorney general or other legal representative of the state of the returns, reports, or files relating to the claim of any taxpayer who has brought an action to review or set aside any tax imposed under this Title or by a political subdivision's tax ordinance or against whom an action or proceeding has been instituted in accordance with the provisions thereof.

(5) The furnishing, in the discretion of the secretary or a political subdivision, of any information disclosed by the records or files to any official person of another department or political subdivision of this state, or any other state, or of the United States who is concerned with the administration of taxes and who in fact furnishes or has agreed with the secretary or political subdivision to furnish information contained in the records and files administered by him to the Department of Revenue or the political subdivision on a reciprocal basis; however, no such exchange of information shall be made in contravention of any provision of state or federal law prohibiting the dissemination of such information, nor shall such information be divulged except as provided by law, nor shall income tax records be divulged to any department, agency, or political subdivision of this state, another state, or the United States, except the Department of

Revenue, or equivalent agency of another state, or the Internal Revenue Service of the United States and then only on a reciprocal basis. In addition, information divulged under this Subsection shall only be given to an agency which has agreed in advance to respect the confidentiality of such information.

(6) The secretary from disclosing to any person the name and address of any person who is registered and holds a license to operate within this state for motor fuel tax purposes, but the secretary shall not disclose any tax data whatsoever with respect to the licensee, except for information provided to the Louisiana Department of Agriculture and Forestry for the enforcement of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950. Any information so furnished shall be considered and held confidential and privileged by the Department of Agriculture and Forestry to the same extent heretofore provided. The Department of Agriculture and Forestry shall not disclose or be required to disclose any information obtained under this Paragraph unless the disclosure is ordered by a court of competent jurisdiction or agreed upon in writing by the registered licensee.

(7) The furnishing or publication of the whole or any part or extract of the motor vehicle license reports, or list of permit holders, or similar information not generally considered confidential.

(8) The secretary from disclosing the name and address of any taxpayer who has filed an income or corporation franchise tax return, but he shall not disclose any tax data whatsoever with respect to any taxpayer, and such information shall be made available to any taxpayer upon his request.

(9) The furnishing, in the discretion of the secretary, of severance tax information to the Department of Natural Resources to be used solely for the coordination and verification of revenue and production data relative to mineral resources produced within the state. Any information so furnished shall be considered and held confidential and privileged by the Department of Natural Resources to the same extent as heretofore provided.

(10) The secretary or political subdivision from disclosing to the legislative auditor, or any members of his staff designated by him, those papers, books, documents, including tax returns and tax return information, films, tapes, and any other forms of recordation, including but limited* to computers and recording devices which the legislative auditor, in his discretion, deems necessary for the purpose of making an examination and audit of the books and accounts of the Department of Revenue, as provided in R.S. 24:513.1, or a political subdivision. Any information so furnished shall be considered confidential and privileged by the legislative auditor, and members of his staff, to the same extent as heretofore provided.

(11) The secretary from disclosing to any person upon request the name and address of any registered wholesale tobacco dealer who holds a license or permit to operate within this state, but the secretary shall not disclose any tax data whatsoever with respect to the wholesaler, except for information provided to the tobacco settlement enforcement unit of the Louisiana Department of Justice for the enforcement of Part XIII of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950. The Department of Justice shall not disclose or be required to disclose any information obtained under this Paragraph unless the disclosure is ordered by a court of competent jurisdiction or agreed upon in writing by the registered wholesale tobacco dealer.

(12) The furnishing, in the discretion of the secretary, of severance tax information to the Department of Wildlife and Fisheries to be used solely for the coordination and verification of revenue and production data relative to shell, sand, gravel, and fill material resources produced

within the state. Any information so furnished shall be considered and held confidential and privileged by the Department of Wildlife and Fisheries to the same extent heretofore provided.

(13) The furnishing, in the discretion of the secretary, of severance tax information to the Department of Agriculture and Forestry, through the office of forestry, to be used solely for the coordination and verification of revenue and production data relative to timber resources produced within the state. Any information so furnished shall be considered and held confidential and privileged by the Department of Agriculture and Forestry to the same extent heretofore provided.

(14) A sales and use tax commission contracting with a political subdivision for the collection of taxes from disclosing to the internal auditor of the political subdivision, or any members of his staff designated by the auditor, those papers, books, documents, including tax returns and tax return information, films, tapes, and any other forms of recordation, including but not limited to computers and recording devices which the internal auditor deems necessary for the purpose of making an examination and audit of the books and accounts of the sales and use tax commission. Any information so furnished shall be considered confidential and privileged by the internal auditor, and members of his staff, to the same extent as heretofore provided.

(15) The secretary of the department, the executive director of the Louisiana Workforce Commission, or any political subdivision from disclosing to the Louisiana Lottery Corporation information regarding whether or not a lottery vendor or retailer applicant, as defined in R.S. 47:9002, is current in the filing of all applicable tax returns and reports, and in payment of all taxes, interest, and penalties owed to the state of Louisiana or to any taxing political subdivision. Any information so furnished shall be considered and held confidential and privileged by the Louisiana Lottery Corporation to the same extent as heretofore provided.

(16) The furnishing, in the discretion of the secretary, of oil spill contingency fee information to the office of the Louisiana oil spill coordinator within the office of the governor, such information to be used solely in the exercise of the powers, duties, functions, and responsibilities of that office as provided by law. Any information so furnished shall be considered and held confidential and privileged by the office of the Louisiana oil spill coordinator to the same extent heretofore provided.

(17) The furnishing of a taxpayer's reported federal adjusted gross income as requested by the office of student financial assistance when based on certification by the office that the confidentiality of such information will be respected and that it holds an agreement signed by the taxpayer authorizing the release of this information for the purpose of considering the eligibility of the taxpayer's beneficiary for a tuition assistance grant under the Louisiana Student Tuition Assistance and Revenue Trust Program as provided for by Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950 or for the purpose of considering the eligibility of the taxpayer's dependent child for an award under the Louisiana Taylor Opportunity Program for Students as provided for by Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950.

(18)(a) The secretary from disclosing the name and address of any taxpayer who is delinquent in the payment of any tax collected by the secretary at such time as all assessments have become final and collectible by distraint and sale.

(b) Any disclosure shall only be made after the secretary provides written notice by registered mail to the taxpayer. The notice shall inform the taxpayer of the secretary's intention to publish the fact of the taxpayer's tax delinquency and other tax information authorized by Subparagraph (c) for failure to pay the amount due. The notice shall give the taxpayer thirty

days from the date of the notice to pay the total amount of tax, penalty, and interest due prior to publication or to make arrangements to pay the tax, penalty, and interest due.

(c) At such time as the notice provisions of this Paragraph have been satisfied, the secretary may disclose the name and address of the taxpayer, the type of delinquent taxes due, and the total amount of tax, penalty, and interest due. If the taxpayer is a business entity, the secretary may additionally name any owner who owns at least a fifty percent ownership interest in the entity. No other taxpayer information may be disclosed. The disclosure may be made in any newspaper, magazine, or in electronic media, such as television or the Internet.

(19) The secretary, in order to implement the provisions of R.S. 56:303(E), from disclosing to the Department of Wildlife and Fisheries upon the request of the secretary of the Department of Wildlife and Fisheries or his designee a list of the names and social security numbers of those persons issued a certificate of exemption pursuant to R.S. 47:305.20(B).

(20) The secretary, in order to implement the provisions of R.S. 51:936(C), from disclosing to the Department of Economic Development, upon request of the secretary of economic development, information from the state returns and reports of a taxpayer who has applied to or contracted with the Department of Economic Development for assistance, including but not limited to tax incentives, economic development programs, financial assistance, cooperative endeavor agreements, or technical assistance. The secretary shall not disclose any data from those returns or reports provided by the Internal Revenue Service. Any information so furnished shall be considered and held confidential and privileged by the Department of Economic Development to the same extent heretofore provided.

(21) The furnishing, in the discretion of the secretary, of International Fuel Tax Agreement tax information to the Department of Public Safety and Corrections, public safety services, to be used both solely for the coordination and verification of information relating to the International Registration Plan. Any information so furnished shall be considered and held confidential and privileged by the Department of Public Safety and Corrections, public safety services, to the same extent as heretofore provided.

(22) The furnishing, in the discretion of the secretary, of gasoline and motor fuels and special fuels tax information to the Department of Agriculture and Forestry to be used solely for the coordination and verification of information relating to gasoline and motor fuels and special fuels. Any information so furnished shall be considered and held confidential and privileged by the Department of Agriculture and Forestry to the same extent as heretofore provided.

(23) The furnishing of, upon the request of the secretary of the Department of Children and Family Services or her designee, the address and social security number of the person designated by Department of Children and Family Services as an absent parent for the purpose of implementing the provisions of R.S. 46:236.1.1 et seq., the family and child support program.

(24) The furnishing to the Office of Financial Institutions documents and other materials submitted by a Louisiana Community Development Financial Institution or by qualified Louisiana businesses as provided for in R.S. 51:3093.

(25) The furnishing of, upon request, the following information provided to the Department of Revenue in an application for the Louisiana new markets tax credit, R.S. 47:6016, for all qualified equity investments made on or after July 1, 2008: the name of the original investor, a detailed description and the location of the qualified low-income business, the total amount of the qualified equity investment, and the total amount of Louisiana new markets tax credits earned.

(26) The furnishing in the discretion of the secretary, of information to the treasurer of the state of Louisiana to be used solely to determine verification of the amount of sales tax, penalty, or interest paid by a person requesting a refund pursuant to R.S. 39:100.71 for any sales tax, penalty, or interest paid on a purchase made on or after September 1, 2005, through December 31, 2006, of any manufactured home used solely as residential housing. Any information so furnished shall be considered and held confidential and privileged by the treasurer by the same extent heretofore provided.

(27) The furnishing, in the discretion of the secretary, of information to the Department of Culture, Recreation and Tourism to be used solely to determine the economic impact and viability of art, historical, or cultural districts created within the state. Any information so furnished shall be considered and held confidential and privileged by the Department of Culture, Recreation and Tourism to the same extent heretofore provided.

(28) The sharing or furnishing, in the discretion of the secretary, of information to the Louisiana Workforce Commission for the purposes of determining, investigating, or prosecuting fraud related to all areas administered by the Louisiana Workforce Commission. Any information shared or furnished shall be considered and held confidential and privileged by the Louisiana Workforce Commission to the same extent heretofore provided.

C. Whoever violates any provision of this Section by divulging information unlawfully shall be punished by imprisonment for not more than two years or fined not more than ten thousand dollars, or both.

Acts 1960, No. 372, §1; Acts 1971, No. 160, §1; Acts 1975, No. 463, §1; Acts 1976, No. 89, §1, eff. Jan. 1, 1977; Acts 1976, No. 611, §1; Acts 1979, No. 169, §3; Acts 1979, No. 587, §1; Acts 1983, No. 368, §1; Acts 1983, No. 172, §1, eff. Oct. 1, 1983; Acts 1986, No. 634, §2; Acts 1986, No. 766, §2; Acts 1987, No. 547, §1; Acts 1990, No. 35, §1; Acts 1990, No. 460, §1; Acts 1991, No. 1, §1, eff. May 30, 1991; Acts 1992, No. 168, §1, eff. June 8, 1992; Acts 1992, No. 447, §4, eff. June 20, 1992; Acts 1997, No. 1416, §3, eff. July 15, 1997; Acts 1998, 1st Ex. Sess., No. 165, §2, eff. May 7, 1998; Acts 2001, No. 257, §1; Acts 2001, No. 435, §1, eff. June 15, 2001; Acts 2003, No. 250, §2; Acts 2003, No. 1068, §3, eff. July 2, 2003; Acts 2004, No. 699, §2; Acts 2005, No. 252, §2, eff. July 1, 2006; Acts 2005, No. 383, §1, eff. June 30, 2005; Acts 2005, 1st Ex. Sess., No. 29, §1, eff. Nov. 29, 2005; Acts 2007, No. 345, §1, eff. June 30, 2007; Acts 2008, 2nd Ex. Sess., No. 4, §1, eff. March 24, 2008; Acts 2008, No. 121, §1; Acts 2008, No. 468, §2, eff. July 1, 2008; Acts 2008, No. 652, §3, eff. July 1, 2008; Acts 2008, No. 743, §7, eff. July 1, 2008; Acts 2010, No. 617, §1; Acts 2010, No. 877, §3, eff. July 1, 2010.

*As appears in enrolled bill.

