

Developing Data Sharing Agreements: A Guide for IDEA Part C and Part B 619 Leaders Who Want to Share, Link, or Integrate Data with Other Programs



July 2026

Purpose

Early intervention (EI; IDEA Part C) and early childhood special education (ECSE; IDEA Part B 619) program staff can use this resource to establish procedures and agreements for sharing or linking their data with other programs' data within their state, including with their IDEA counterpart. This document offers considerations for entering into a data sharing agreement (DSA), as well as recommended actions for creating and implementing a DSA. It also outlines key differences between a DSA and a memorandum of understanding (MOU).

Introduction

State EI and ECSE programs are working together to share more data and information with each other and other programs to support effective service delivery. Sharing data on program characteristics, services provided, child and family outcomes, the nature of services, length of time in services, and family supports can benefit programs by answering critical questions to inform program evaluation and improvement efforts (ECTA Center, DaSy Center, & National Center for Hearing Assessment and Management, 2024).

Identifying whether and how to share data are critical steps in the process. State and local programs must determine procedures for sharing data that appropriately protect personally identifiable information (PII) consistent with the Individuals with Disabilities Education Act (IDEA) and Family Educational Rights and Privacy Act (FERPA) requirements.

In some cases, Part C and Part B 619 programs may already have a DSA or MOU with another agency/program that covers the desired management and use(s) of the shared data. Before starting work on a new DSA or MOU, check with your agency's legal team to ensure one is not already in place.

Differences Between a DSA and MOU

The key differences between a DSA and a MOU lie in purpose, legal specificity, and whether personally identifiable information (PII) is involved.

Critical Questions About Early Intervention and Early Childhood Special Education

DaSy compiled a set of [Critical Questions](#) that serve various functions, including supporting state agencies in effectively administering EI and ECSE programs, meeting accountability requirements, and improving results for children and families through an examination of program features. Essential and aspirational questions are included in the resource. Essential questions are those that a comprehensive, well-functioning EI or ECSE state data system should provide the data to answer. Aspirational questions are more complex and require additional information or linkages to other program data.

Data Sharing Agreement (DSA)

A DSA is a legally binding document that governs the access, use, and protection of data, especially when PII or sensitive data are involved. It clearly describes the ways that data will be shared among two or more parties, and the specific terms and conditions that govern how specific data are transferred, stored, secured, and managed when shared. A DSA can stand alone or be part of an MOU.

For an example, see the [DSA between the Colorado Department of Education and Colorado Department of Human Services](#).

Purpose:

- Define why, how, and for how long data (often confidential or regulated) will be shared between parties
- Ensure compliance with FERPA and IDEA, and state-level privacy regulations

Key Elements:

- Description of the data being shared
- Purpose of data sharing
- Legal authority for sharing the data
- Roles and responsibilities of each party
- FERPA/IDEA compliance requirements
- Security, confidentiality, and data access protocols
- Data retention and destruction clauses
- Liability and breach notification procedures
- Procedures for refreshing/updating data

May also include specific time parameters for data use, special provisions for data disclosure, or requirements for the data holding agency to review resulting research before its publication

When to Use:

- PII is being shared
- Federal or state law requires explicit data protection measures
- To formalize data flows between agencies or programs

Memorandum of Understanding (MOU)

An MOU is a nonbinding or loosely binding agreement that outlines the general terms of collaboration or partnership between two or more parties. It is a written agreement that specifies the relationship between two or more parties. In the context of data sharing, an MOU is a broad document that names the purpose, partners, and guiding principles of the effort. An MOU can but does not always include a DSA.

For an example, see the [MOU between the Texas Health and Human Services Commission and Texas Education Agency](#).

Purpose:

- Describe a mutual understanding or intent to work together
- Outline roles, responsibilities, and broad terms of cooperation

Key Elements:

- Purpose and scope of collaboration (i.e., why is the agreement needed)
- Names of participating organizations
- General roles and responsibilities
- Timeline or duration of the understanding
- Signature of leadership, but usually no legal obligations related to data security

When to Use:

- Precursor or companion to a DSA
- No PII or sensitive data are being exchanged¹
- General coordination, planning, or resource-sharing
- Ongoing data transfers that have consistent and formalized parameters
- Basis for a data sharing relationship is grant funding or a service contract (to enable partners to identify similarities and differences in their priorities and goals, available resources [time, money, and expertise], project timelines, and expected outcomes prior to collaboration)

Summary Table: Comparing Key Features of DSAs and MOUs

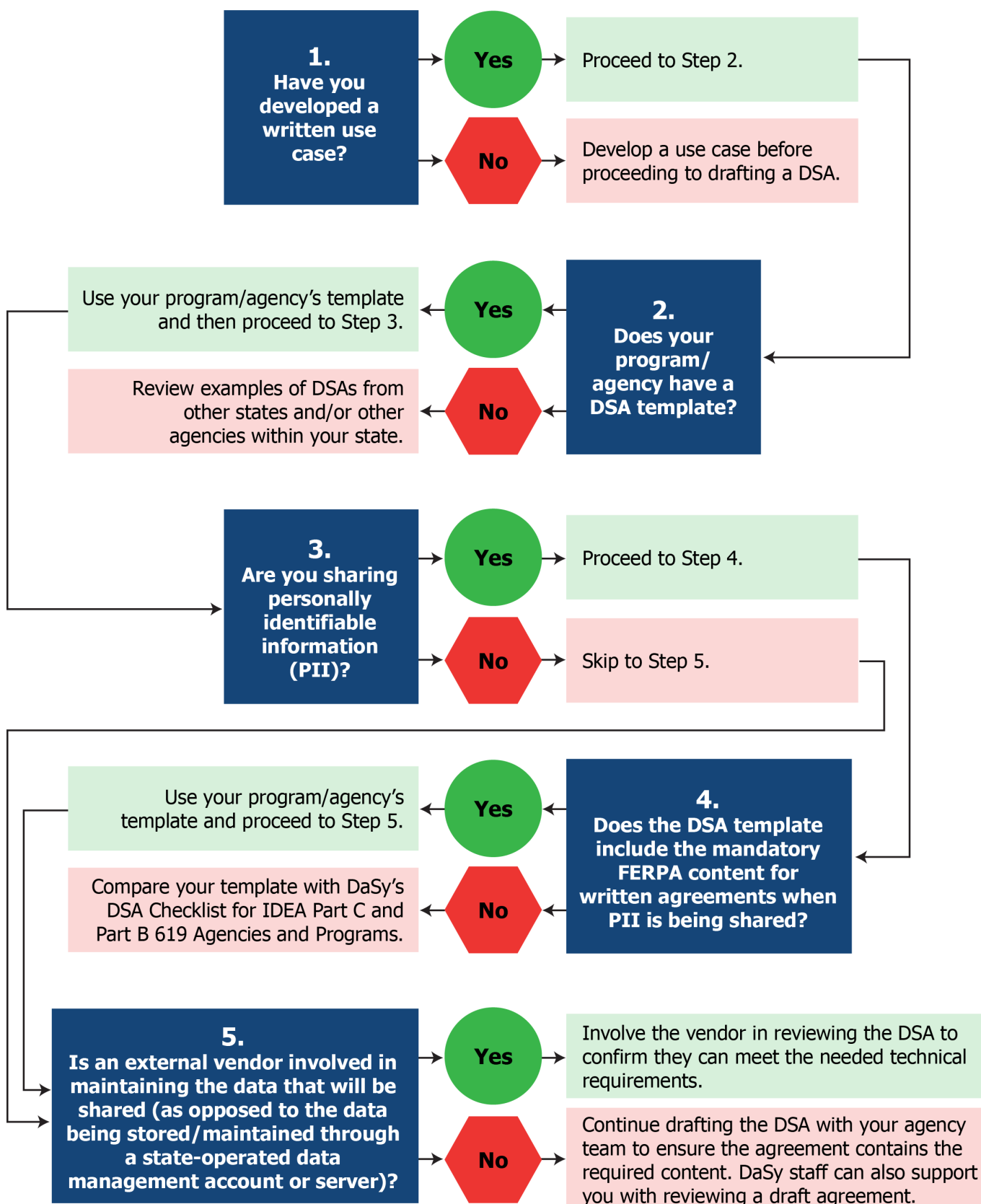
Feature	DSA	MOU
Legally binding	Yes	Often no (but can be, depending on wording)
Includes PII and data governance	Yes (required if PII is involved)	No
Purpose	Securely regulate data access and use	Formalize a partnership or collaboration
Covers security	Yes	No
Covers FERPA	Yes	No
Used when sharing data	Yes (especially with PII)	Only if data are de-identified, aggregated, or summarized

Decision-Making Guide

Deciding on how to proceed with developing a DSA and/or MOU involves gathering information and assessing multiple options. The decision questions presented at each step in this guide reflect key steps in the process of developing a DSA and/or MOU. As you work through the guide, consider the reasons for pursuing a DSA, the work already completed, and the resources your state has to support the DSA. Each question has a set of associated actions that state teams should take to guide the process. A graphic is provided below to illustrate the decision-making process at a high level, followed by more detailed descriptions of the recommended actions associated with each step.

¹ If a DSA is embedded in the MOU, then these topics should be addressed in that agreement.

Decision Tree Summary



1. Have you developed a written use case?

Yes Proceed to Step 2.

No Develop a use case.

Actions:

- Consider these questions:
 - What level of data sharing is being considered (see DaSy's [Data Linking Toolkit](#))?
 - Do you have the authority to share your program's data?
 - Do any collaborating programs require the data to be shared? If not, what is the goal?
- Use DaSy's [Automated Data Sharing or Linking Use Case template](#).
- Schedule a meeting with program staff and potential data partners.
- Include a purpose statement, list of partners, data needs (i.e., data elements and sources), and expected outcomes.
- Document how the data will be used and by whom.
- Proceed to Step 2.

A **use case** documents the purpose or intent for implementing a data system feature or function. When drafting a DSA, creating a use case first can help outline why the DSA is needed, which partners should be involved, and a description of what data need to be shared.

2. Does your program/agency have a DSA template?

Yes Use your program/agency's template, complete the actions below, and then proceed to Step 3.

Actions:

- If you haven't used the template before, consult the data governance staff.
- Review the existing DSA for relevant clauses and alignment with your current use case.
- Determine if the template is relevant to the DSA you want to put in place.
 - If not, revise as appropriate in consultation with legal or data governance staff.

No Develop a template.

Actions:

- Review examples of DSAs from other states and partner agencies.
 - Check whether your collaborating agency has its own DSA template.
- Reach out to other states or agencies for suggestions or lessons learned.
- Consult your agency's legal counsel and data governance staff about initiating a DSA development process.
- Proceed to Step 3.

3. Are you sharing personally identifiable information (PII)?

Yes Complete the following actions then proceed to Step 4.

Actions:

- Define who will have access to the data, how it will be secured, and how long it will be accessible.
- Ensure only data that are necessary to achieve your intended purpose are shared.

No Confirm the types of data being shared.

Actions:

- Clarify what types of data are being shared to ensure PII is not included; consider indirect identifiers that could still pose a risk of identification.
- If no PII is shared, determine whether an MOU or informal data-sharing understanding is appropriate instead of a DSA (see [DSA vs. MOU](#)).
- If no PII will be shared, then proceed to Step 5.

4. Does the DSA template include the mandatory FERPA content for written agreements when PII is being shared?

Note: PII can be shared without consent under specific FERPA exceptions, including the School Officials Exception, Directory Information, Studies Exception, Audit or Evaluation Exception, Health or Safety Emergency, and Judicial Orders or Subpoenas ([34 CFR § 99.31](#)).

Yes Complete the following actions then proceed to Step 5.

Actions:

- Customize the template to fit the specific use case while maintaining FERPA compliance.
- Refer to existing guidance as a check on privacy requirements ([2022 IDEA and FERPA Crosswalk \(USED\)](#))
- Seek legal counsel for a review of the agreement.

No Complete the following actions then proceed to Step 5.

Actions:

- Compare your draft DSA with DaSy's [DSA Checklist for IDEA Part C and Part B 619 Agencies and Programs](#).
- Consult with your privacy officer, legal counsel, or data governance team to ensure the mandatory FERPA content is included.
- Identify and address missing elements such as data destruction, access controls, or audit rights.
 - Define the purpose for data sharing, the parties to the agreement, data security protocols, destruction timelines, etc.
 - Outline how compliance will be monitored and enforced.
 - Address whether and how third parties (e.g., researchers, vendors) may access or use the data.
- Offer staff training on FERPA requirements if needed.

5. Is an external vendor involved in maintaining the data that will be shared (as opposed to the data being stored/maintained through a state-operated data management account or server)?

Yes Involve the vendor in reviewing the draft of the DSA to confirm they can meet the needed technical requirements.

Actions:

- Ensure the vendor reviews and agrees to data security, access control, and breach notification terms outlined in the DSA.

- Confirm that the vendor’s infrastructure and practices align with FERPA, HIPAA (if applicable), and state-specific data privacy laws.
 - Document the vendor’s responsibilities for data retention, destruction, and system access in a service-level agreement (SLA) or appendix to the DSA.
 - Once the vendor has provided input, share with your agency team to ensure the agreement contains the required content.
- No** Complete the draft of the DSA with your agency team to ensure the agreement contains the required content.

Next Steps

- Share the DSA with the partner agency or agencies for signing or additional refinement.
- Drafting the content for a DSA (and/or an MOU, if needed/desired) is the first step in the process. Keep in mind that DSAs usually need to be reviewed by all partners’ legal teams, so build that into your timeline. When the content is finalized, all parties will need to sign and execute the agreement and begin developing a plan for maintaining the work.
- DSAs and MOUs should be reviewed on a regular basis (e.g., annually), taking into consideration the technical, policy, and legislative changes that have occurred since the original execution and/or previous review date. Additionally, updates should be made when the rationale for sharing data changes or if new types of data are requested to be shared through the agreement.

Conclusion

While implementing a DSA may seem a daunting task, this work is achievable. Many states have successfully launched a DSA between Part C and Part B 619 ECSE and other programs (e.g., states with operational early childhood integrated data systems [ECIDS]), and you can be one of them!

DaSy staff are available to help states with drafting and reviewing DSA and MOU language. Locate your [DaSy Liaison’s contact information](#) on the DaSy website.

Resources

- ECTA Center, DaSy Center, & National Center for Hearing Assessment & Management (2024). [Data Sharing Agreement Checklist: Early Hearing Detection, and Intervention Program \(EHDI\) and Part C](#)
- DaSy Center (2023). [Statewide Data Integration Initiatives: IDEA Part C and FERPA Considerations](#)
- California Rural Partnerships Alliance (CRPA). [DSAs and MOUs Considerations for Development](#)
- Actionable Intelligence for Social Policy (AISP; 2025). [Legal Agreements & Supporting Documents](#)
- Data Quality Campaign (2025). [Iowa Is Integrating Data to Understand Child Care Supply and Demand](#)

Suggested Citation

The DaSy Center. (2026). *Developing data sharing agreements: A guide for IDEA Part C and Part B 619 leaders who want to share, link, or integrate data with other programs*. SRI.

About Us

The contents of this brief were developed under a grant from the U.S. Department of Education, #H373Z240001. The contents and resources do not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the Federal Government. Project Officers: Meredith Miceli and Alexis Lessans.

The DaSy Center is a national technical assistance center funded by the U.S. Department of Education, Office of Special Education Programs. The DaSy Center works with states to support IDEA early intervention and early childhood special education state programs in the development or enhancement of coordinated early childhood longitudinal data systems.

To learn more about the DaSy Center, visit the DaSy Center website at <https://www.dasycenter.org/>.