

**DIRECT ADMISSIONS MINNESOTA
DATA SHARING AGREEMENT BETWEEN
THE MINNESOTA OFFICE OF HIGHER EDUCATION AND
Duluth Public School District**

This Agreement is entered into by the **Minnesota Office of Higher Education (OHE)** and **Duluth Public School District (District)** for purposes of sharing data for administration of the Direct Admissions Minnesota program, a statewide college admissions program for high school seniors. The data will be used by **OHE** for the purpose of facilitating the college application process at colleges and universities selected by students enrolled at high schools participating in Direct Admissions Minnesota.

Direct Admissions Minnesota is a state-supported education program, funded under Minn. Stat. § 136A.84. The Direct Admissions Minnesota program is designed to encourage all public high school seniors to consider themselves “college material” by proactively notifying them of the colleges and universities that will admit them. Students will receive a notification based on academic performance that lets them know which Minnesota colleges and universities will directly admit them, information about how to apply, and other essential next steps. High schools work with **OHE** to conduct an academic review, notify students of their eligibility for admissions, facilitate transcript submission to colleges, and to assist with trouble shooting and answering student and family questions about the program.

Parties

1. **OHE** is the state agency responsible for funding, administering, and evaluating programs serving prospective and current college students enrolling in and completing postsecondary education. **OHE** is a state educational authority and has corresponding authority and responsibility to administer postsecondary programs, and to evaluate postsecondary education in Minnesota.
2. Colleges and universities participating in Direct Admissions Minnesota are postsecondary institutions recognized by the U.S. Department of Education and licensed or registered in Minnesota by **OHE**.
3. The **District** is a local education agency physically located in Duluth, Minnesota.

Legal Authority for Data Sharing

4. **OHE** is a state educational authority as named in 34 C.F.R. § 99.31(a)(3)(iv).
5. The **District** is a local education agency subject to 34 C.F.R. § 99.31.
6. Both **OHE** and the **District** are authorized under the Family Education Rights and Privacy Act (FERPA) and Minn. Stat. § 13.32, subd. 3(e), to disclose otherwise private educational data under 34 C.F.R. § 99.31(a)(2) regarding individual students, subject to the requirements of 34 C.F.R. § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
7. In addition, the **District** is authorized under FERPA and Minn. Stat. § 13.32, subd. 3(e) to disclose private educational data under 34 C.F.R. § 99.31(a)(1)(B) to contractors who perform an institutional service or function for which the agency or institution would otherwise use employees.
8. This Agreement complies with 34 C.F.R. §§ 99.31(a)(6) and 99.33(b). Finally, this Agreement complies with Minn. Stat. § 13.32, subd. 3(e) of the Minnesota Government Data Practices Act (MGDPA), which permits disclosure of private student data pursuant to FERPA.

Purpose and Scope

9. Data shared under this Agreement includes personally identifiable information for the purpose of facilitating the college application process at colleges and universities selected by students enrolled at high schools participating in Direct Admissions Minnesota.
10. Data shared under this Agreement includes personally identifiable information for students enrolled in Grade 12, and selecting one or more colleges to be admitted to under Direct Admissions Minnesota.
11. Data shared:
 - a. Will be redisclosed by OHE to colleges and universities selected by the student for purposes of Direct Admissions Minnesota,
 - b. Will be joined by OHE to personal contact and anticipated enrollment information provided voluntarily by a student, as shown in attachment 2,
 - c. Will be used to provide the District with summary data on participation in Direct Admissions for all participating high schools,
 - d. Will be used by OHE to troubleshoot any issues related to college admissions for students of the District seeking to enroll via Direct Admissions at any of the participating colleges and universities,
 - e. Will be used by OHE to evaluate the Direct Admissions program, specifically the impact of the program on application to, enrollment in, and completion of postsecondary education in Minnesota by student academic and demographic characteristics, utilizing the data provided by the District and by the Minnesota Department of Education, and
 - f. Will be redisclosed by OHE to college preparation and support programs. For purposes of this clause, a college support program is defined as a program whose purpose is to facilitate colleges enrollment by providing admissions and financial aid advising activities and support to individual students seeking to enroll in a college participating in Direct Admissions. Information redisclosed to a college preparation and support program under this clause is limited to the name of the college chosen by a student participating in the college preparation and support program for purposes of Direct Admissions, and for whom the college preparation and support program has written consent to share and receive student level data.
12. Data elements to be shared are listed in Attachment 1.

Duties

13. **The District responsibilities. The District will:**
 - a. At a minimum, provide each student's parent or guardian seeking to participate in Direct Admissions Minnesota with the following Tennesen Warning in order to fulfill the District's requirements as a public entity under FERPA and Minnesota Government Data Practices Act:

- i. **Tennessee Warning.** *In accordance with the Minnesota Government Data Practices Act, the District is required to inform you of your rights as they pertain to the private information collected from you. When you select to participate in Direct Admissions Minnesota, the following information is collected: Name, MARSS Number, academic information, the high school transcript, contact information, gender, date of birth, and colleges selected by the student for direct admissions. The District collects information on students' college selections and contact information in order to participate in the Direct Admissions program. This data will be used by the District and the Minnesota Office of Higher Education staff to notify colleges of your direct admissions participation, waive application fees at the colleges, and provide colleges with your contact information to complete the admissions process. You are not required to provide this information and may choose to apply to the identified colleges using the application links they provide on their website.*

In addition, the Office of Higher Education will ask you to volunteer additional contact information to facilitate the college admissions process (e.g. contact information, anticipated date of enrollment, parent or guardian name and contact information). You are not required to submit the personal contact or anticipated enrollment information requested. If you do not provide the personal contact or anticipated enrollment information, you still may participate in Direct Admissions and the colleges you selected will be instructed to reach out to you for this information via the admissions application form or other means.

Information you provide is available only to you, your District, the Office of Higher Education, the colleges you identify, the Office of the Legislative Auditor, and upon court order.

- b. Provide to OHE personally identifiable information consistent with this Agreement and as described in Attachment 1, and
- c. Understand and comply with all of the data practices provisions of this Agreement.

14. OHE responsibilities. OHE will:

- a. Create and maintain a secure method of transmission of data,
- b. Provide to colleges and universities participating in Direct Admissions personally identifiable information on behalf of students enrolled at the District consistent with this Agreement and as described in Attachment 1,
- c. Conduct reporting as described in the Purpose and Scope section of this Agreement, and
- d. Understand and comply with all of the data practices provisions of this Agreement.

Data Practices Provisions

15. OHE and the District each agree to abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes 13.01 *et seq.*, and any and all other applicable state and federal laws governing the data shared pursuant to this Agreement and all data, created, collected, received, stored, used, maintained, or disseminated by OHE under this Agreement. Each party is individually responsible for compliance with laws and regulations governing or affecting the collection, storage, use, sharing, disclosure and dissemination of private data.

16. OHE agrees to comply with all applicable federal and state laws, statutes, and rules with respect to the protection of privacy, security and dissemination of the shared data. Nothing in this agreement may be construed to allow either party to maintain, use, disclose or share student information in a manner not allowed by federal or state laws.
17. OHE and the **District** understand that personally identifiable information maintained by either party to the agreement is subject to the privacy and confidentiality provisions of federal and state statutes, rules and regulations, including, but not limited to, the Family Education Rights and Privacy Act (20 U.S.C 1232g); related federal regulations (34 C.F.R. Part 99); the Minnesota Government Data Practices Act, Minnesota Statutes 13.01 *et seq*; and federal laws and regulations regarding students with disabilities (20 U.S.C. §1417 (c); 34 C.F.R. 300.32, 34 C.F.R. §§ 300.610-300.627)).
18. OHE agrees to use the data it receives only to the extent necessary to achieve the goals stated herein. OHE will not use the individual-level data for any other purpose unless required by judicial order.
19. Data exchanged under this Agreement may not be duplicated, disseminated or used by OHE for another purpose or program without the express written permission of the **District** unless required by judicial order. All copies of data of any type, including modifications or additions to data from any source that contains information regarding individuals, are subject to the provisions of this Agreement in the same manner as the original data.
20. Data exchanged under this Agreement will be made available to OHE through secure means.
21. OHE agrees that only those employees, contractors, and agents who need to have access to data provided under this Agreement because they are conducting work directly related to Direct Admissions Minnesota will have access to the data. OHE agrees to provide the **District** with a list of staff members currently assigned to the approved research upon request.
22. OHE agrees that all employees, contractors, and agents who receive data provided pursuant to this Agreement, will agree in writing to comply with all applicable data practices, data privacy laws and regulations.
23. All employees, contractors, and agents of OHE who have access to data shared under this Agreement will complete data practices and data security training.
24. All employees, contractors and agents of OHE who have access to the data shared under this Agreement will comply with all applicable federal and state laws with respect to the data shared under this Agreement.
25. OHE agrees that all individuals having access to data under this Agreement are subject to reasonable supervision to ensure compliance with applicable federal and state data practices law.
26. OHE will use reasonable efforts to store and process all data collected, created, used, maintained, or disclosed in such a way that unauthorized persons cannot retrieve the information by means of a computer, remote terminal, or any other means. OHE will use appropriate safeguards to prevent use or disclosure of private data on individuals by its employees, contractors, and agents, including but not limited to implementation of administrative, physical, and technical safeguards to reasonable and appropriately protect the privacy and integrity of individual-level data that it creates, receives, maintains, or transmits under this Agreement.

27. OHE will report any known data security or data privacy incidents to the **District** as soon as they become known. For purposes of this Agreement, security incident means the access, use, disclosure, modification, or destruction of information provided by the **District** in a manner inconsistent with this agreement. Privacy incident means violation of the MGDPA or any other applicable state or federal data practices laws, including, but not limited to, improper and/or unauthorized use or disclosure of protected information and breach of security of information as defined by Minnesota Statutes, Section 13.055. This report must be made in writing and submitted to the authorized representatives after the security or privacy incident is discovered by OHE.
28. OHE will only disclose data in summary form for public reports, unless otherwise specified herein.
29. OHE will destroy data received under this Agreement when it is no longer needed for the purpose of this agreement. OHE will use a secure method of destruction that prevents inadvertent release of any data and protects the privacy and confidentiality of the data. Upon request, OHE will send a letter to the **District's** authorized representative that confirms the method and date of the data destruction. Summary data and summary analyses created from data provided pursuant to this agreement are not subject to destruction requirements.
30. If the **District** determines that OHE has violated this Agreement, the **District** reserves the right to request that OHE immediately destroy all de-identified or anonymized data received under this Agreement.
31. The **District** retains the right to conduct audits or other monitoring of OHE's policies, procedures, and systems related to storage and analysis of data. OHE agrees to allow the **District** reasonable access if the **District** conducts any audit or monitoring.

Miscellaneous Provisions

32. **Liability**. No party will be liable for violations of any applicable laws, or the terms of this Agreement, indirectly or directly arising out of or resulting from, or in any manner attributable to the actions of the other party. The liability of a state agency is governed by the provisions of the Minnesota Torts Claims Act, Minn. Stat. § 3.732 and 3.736, *et. seq.*, and other applicable law.
33. **Transfer**. Neither OHE nor the **District** may assign its obligations under this Agreement, nor any part of its interest in this Agreement, to another party.
34. **Amendment**. Any amendments to this Agreement shall be in writing and shall be executed as an amendment to the Agreement.
35. **Cancellation**. This Agreement may be canceled by any party at any time, with or without cause, upon thirty (30) days written notice to the other parties. Each party specifically reserves the right to immediately cancel this Agreement should a party, in its sole discretion, determine that private or confidential student information has been released in a manner inconsistent with this Agreement or has not been maintained in a secure manner.
36. **Authorized Representatives**. OHE and the **District** designate a single authorized representative for purposes of maintaining the data sharing agreement and ensuring that it is properly enforced.

OHE authorized representative is Meredith Fergus, Director of Research, (651) 259-3963, or her successor.

The **District's** authorized representative is

Simone Zunic, (name and title), or his/her successor.
Exec. Dir. Finance, Business Services

37. Effective Dates. The terms of this Agreement shall take effect upon signature of both parties and will remain in effect until June 30, 2027.

Signatures.

Duluth Public School District

Simone Zurich

6.29.23

Printed Name: *Simone Zurich*

Date

Title: *Exec. Dir. Finance, Business Services*

Minnesota Office of Higher Education

DocuSigned by:

Andrew Wold
E67CB3209B05435

7/11/2023

Andrew Wold
General Counsel

Date

Attachment 1**Data to be shared for Direct Admissions Minnesota**

#	Data Element Name	Data Element Description
1	High School Name	High School Name
2	High School MDE ORG Number	High School MDE ORG Number
3	High School ACT ID	High School ACT ID
4	Student First Name	Student First Name
5	Student Last Name	Student Last Name
6	Student MARSS Number	13-digit MARSS Number
7	Academic Tier	Academic Tier assigned to the student based on specification sent by OHE
8	Student Email	Email address chosen by the student for contact with selected colleges
9	Student Gender	Gender of the student
10	Student Date of Birth	Date of Birth of the student
11	Anticipated high school graduation date	Anticipated high school graduation date of the student
12	Name of College Selected by the Student for Direct Admissions	Name of College
13	OPE ID of College Selected by the Student for Direct Admissions	8-digit OPE ID of College
14	Student Grade Point Average for Direct Admissions	Student Grade Point Average for Direct Admissions

Attachment 2

Sample OHE Additional Information Form for Students

Minnesota Office of Higher Education

Direct Admissions Additional Data Form

Congratulations and Thank you for Participating in Direct Admissions! Based on the information provided by your high school, your information is being sent to the colleges you selected who will contact you at your school email address. If you are willing to speed up the process, we would like to collect a little information to allow those colleges to create your admissions profile.

Tennessee warning. In accordance with the Minnesota Government Data Practices Act, OHE is required to inform you of your rights as they pertain to the private information collected from you. We collect the personal contact or anticipated enrollment information shown below in order to facilitate your admissions to the colleges you selected for Direct Admissions. You are not required to submit the personal contact or anticipated enrollment information requested below. If you do not provide the personal contact or anticipated enrollment information below, you still may participate in Direct Admissions and the colleges you selected may reach out to you for similar information via the admissions application form or other means. Information you provide is available only to you, OHE employees, agents, and contractors, employees of the colleges you selected, the Office of the Legislative Auditor, and upon court order.

In order to connect this information with your high school information, please tell us the following:

1. Select your high school? ___drop down list _____ (required)
2. Your first name (student) _____ (text, required)
 - What is your preferred first name? _____ text _____
3. Your last name (student) _____ (text, required)

To create your college application profile, we are asking you to volunteer the following information.

You are not required to provide it to participate in Direct Admissions, but it will speed up the process.

4. When would you like to enroll? check boxes
 - Spring 2024 (January 2024, assumes you will graduate in December 2023)
 - Summer 2024 (summer enrollment options vary by college)
 - Fall 2024
5. We have your high school email address, is there another email you would like colleges to use to contact you? _____ (email address) _____

6. What is your address?

- Address line 1 _____ text _____
- Address line 2 _____ text _____
- Address City _____ text _____
- Address State _____ drop down? _____
- Address Country _____ drop down? _____ (if easy to add)
- Address Zip _____ text _____

7. Is there a phone number you would like colleges to use to contact you? _____ phone _____

8. Can colleges text message you at the number you listed above?

Yes

No

9. If you would like to supply contact information for a parent or guardian to the colleges you selected, please complete the following:

- Parent/Guardian First Name _____ text _____
- Parent/Guardian Last Name _____ text _____
- If your parent or guardian has a different address from you:
 - i. Parent/Guardian Address line 1 _____ text _____
 - ii. Parent/Guardian Address line 2 _____ text _____
 - iii. Parent/Guardian Address City _____ text _____
 - iv. Parent/Guardian Address State _____ drop down? _____
 - v. Parent/Guardian Address Country _____ drop down? _____ (if easy to add)
 - vi. Parent/Guardian Address Zip _____ text _____

Thank you for participating in Direct Admissions! If you have questions, please contact your high school counselor or the Office of Higher Education (Direct.Admissions.OHE@state.mn.us) Have a great senior year!