

July 11, 2016



Strengthening Postsecondary Education Data to Meet a Changing Minnesota

*2016 Proposal for Changes to
Office of Higher Education
Student-Level Data Collections*



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About the Minnesota Office of Higher Education

The Minnesota Office of Higher Education is a cabinet-level state agency providing students with financial aid programs and information to help them gain access to postsecondary education. The agency also serves as the state's clearinghouse for data, research and analysis on postsecondary enrollment, financial aid, finance and trends.

The Minnesota State Grant Program is the largest financial aid program administered by the Office of Higher Education, awarding up to \$180 million in need-based grants to Minnesota residents attending accredited institutions in Minnesota. The agency oversees tuition reciprocity programs, a student loan program, Minnesota's 529 College Savings Plan, licensing and early college awareness programs for youth.

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Table of Contents

Table of Contents.....	2
Executive Summary.....	4
Introduction.....	6
Process	6
Changes Proposed to Data Collected	7
Modifications to Timing of Data Collection	7
Modifications to existing data	7
New data	8
Data Collection Ending.....	10
Changes Rejected.....	10
Future Challenges	12
Collecting K-12 Student Identifiers at the Postsecondary Level.....	12
Disabling Condition	12
Reporting Burdens for Institutions	13
Adequate System Support for Data Collection.....	14
Balancing Data Needs with Institutional Constraints	14
Collecting Better Information about Race/Ethnicity in Minnesota.....	14
Conclusion	15
Appendix 1 – Meeting Schedule with Institutions	16
Appendix 2 –Institutions Represented.....	17

Executive Summary

This report summarizes recommendations for changes in the reporting student level data by institutions to the Minnesota Office of Higher Education (OHE) for the state's two student databases, Student Enrollment Record Database (SERDB), and Degrees and Other Awards Conferred maintained by the Office of Higher Education's Research and Program Services division. Over the past six months, staff from OHE engaged institutional representatives from a cross section of institutions, sectors, and systems to review OHE's existing data collection and to discuss new data elements OHE proposed to collect in order to address critical postsecondary issues of policymakers, students and their families.

The following proposed changes were accepted:

- **Collect data for every term of enrollment** at the end of term.
- **Modify collection** of several data items.
 - Year of high school graduation; High school; and Minnesota county of residence will be collected from all students.
 - Student middle initial will be replaced by middle name.
 - Full or part-time enrollment status will now be collected on a 15-credit scale.
 - Permanent state, province or country of residence will align codes to U.S. Postal Service standards and include military bases.
 - Classification of Instructional Program (CIP) code for Major 1 / Major 2 will match U.S. Department of Education standards.
 - Student ID Number will match institution standards.
 - Tuition Type will be revised to reflect existing tuition reciprocity options.
 - Transfer Instructional Units reporting instructions have been clarified.
 - MARSS ID will be a mandated data collection item beginning in 2018.
 - Award Completion date will change format.
- **Collect new data** about institutions, student characteristics and credits/course loads.
 - Institution term start and end dates.
 - Classification of Instructional Program (CIP) YEAR code for Major 1 / Major 2.
 - Veteran status
 - First generation status
 - Zip Code of permanent residence
 - ACT composite score
 - Remedial credits by Subject
 - Credits Attempted and Credits Completed
- **End collection** of several data items that are no longer needed.
 - Student Type, an obsolete field indicating enrollment in extension programs
 - Extension Credits, credits for extension programs
 - Name of Major, text field which has been replaced by numeric codes.
- **Several changes were rejected** upon discussions with institutions.
 - Course level data on Developmental education, gateway courses, dual credit as without common course numbering across public institutions, this data has limited value.
 - Developmental education placement test results as data not available at this time.

- Student withdrawal status as withdrawal is not defined uniformly by institutions.
- Transfer detail is not collected uniformly across institutions.
- IPEDS cohort membership which replicates IPEDS reporting.
- Citizenship is not collected uniformly across institutions.

In addition Minnesota faces a variety of data collection challenges.

1. **Collecting K-12 Student Identifiers at the Postsecondary Level:** The most effective way to link data between K-12 and postsecondary institutions is to use a common student identifier such as the MARSS number assigned by the Minnesota Department of Education. However, not all high schools are reporting the MARSS number on the transcript and collection of the MARSS number by colleges relies on data entry at admission – a time and staff intensive process.
2. **Students with Disabilities:** Individuals with disabilities are an underserved population in Minnesota. However, college policies on collecting data on student disabling conditions and sharing of disability data are not consistent which impacts the data collected by OHE.
3. **Reporting Burdens for Institutions:** Increased state data needs means that institutions must spend more staff time on mandated reporting instead of other activities.
4. **Adequate System Support for Data Collection:** Effective data collection relies heavily on Minnesota's two public institutional research system staff. Inadequate support from the two public systems puts all of OHE's data collection efforts at risk.
5. **Balancing Data Needs with Institutional Constraints:** The data collection by OHE must incorporate data collection policies and practices used by more than approximately 40 public colleges and 100 private colleges in the state of Minnesota. Such a process usually requires OHE establish a lower common standard that can be met by most colleges.
6. **Reporting Data by Race and Ethnicity:** Minnesota's diversity of subgroups (ie. within Asians, there are Japanese, Chinese, Indian, Hmong) highlights the need for better information about educational attainment by race/ethnicity. Minnesota should consider adopting disaggregated race/ethnicity categories for reporting data. Enhancements should specifically be made for reporting of Asian Pacific Islanders and African groups. Reporting categories should be adopted universally across areas of education, workforce, human services, and all other sectors.

OHE should continue to work with Minnesota colleges to collect the best quality data possible given the resources available and the challenges faced.

In conclusion, the proposed changes to enrollment data collection serve to strengthen the ability to document the pathways students take into/through/out of postsecondary education, the predictors of student success, and the performance of Minnesota's overall postsecondary system. OHE can utilize the information derived from such data to aid consumers in making informed college choice decisions, identify strengths and weaknesses within the postsecondary system, and ensure that the progress of and outcomes for critical subgroups (students of color, lower income students, returning adults) within the Minnesota student population are being captured.

Introduction

This report contains recommendations for changes in the reporting student level data by institutions to the Office of Higher Education (OHE) for the state's two student databases, Student Enrollment Record Database (SERDB), and Degrees and Other Awards Conferred maintained by the Office of Higher Education's Research and Program Services division.

The SERDB, established in 1983, collects data on students enrolled in Minnesota private and public postsecondary institutions. The Degrees and Other Awards Conferred Database collects data on degrees and other formal awards (diplomas or certificates) conferred to students upon successful completion of a program of study.

OHE collects student-level data from institutions under M.S. 136A. 121 Subd. 18(a) which mandates submission of data from institutions participating in the Minnesota State Grant program and M.S. 136A. 1701 Subd. 11(a) which mandates submission of data from institutions participating in the Minnesota SELF Loan program.

Minn. Stat. 136A. 121 Subd. 18 (a). An eligible institution must provide to the office data on student enrollment and federal and state financial aid.

Minn. Stat. 136A. 1701 Subd. 11 (a). An eligible institution must provide to the office data on student enrollment and federal and state financial aid.

Rewrites to OHE's student level data collections were last made in 1994. The data collections originally served as a census of fall enrollment (for example, "How many students enrolled in college?"). Since 1998, state data needs have shifted towards documenting and understanding student pathways and outcomes. As the questions being asked of OHE have changed, so must the data OHE collects.

Process

Over the past six months, staff from OHE engaged institutional representatives from a cross section of institutions, sectors, and systems to review OHE's existing data collection and to discuss new data elements OHE proposed to collect in order to address critical postsecondary issues of policymakers and students and their families. A list of institutions and systems represented is provided in Appendix 2. This process conforms to requirements of M.S. 136A. 121 Subd. 18(b) and M.S. 136A. 1701 Subd. 11(b) requiring OHE to consult with a data advisory committee prior to proposing changes. As no formal standing committee exists, all institutions were notified of the meetings using multiple methods in order to encourage high levels of attendance.

OHE hosted four institutional/system meetings between November 2015 and April 2016. A list of meeting dates and their agendas is provided in Appendix 1. OHE also solicited feedback from institutional and system stakeholders via e-mail and phone. The stakeholders provided important context and feedback that is reflected in the report's recommendations. Specifically, OHE's research staff consulted with institutions and systems to review OHE's proposed changes, agree on common definitions, discuss data limitations, ensure institutional capacity, and develop an implementation timeline.

Changes Proposed to Data Collected

In earlier decades the higher education landscape was very different than today. To capture the types of students enrolled, when they enroll, and the pathways to program completion means OHE needs to adapt its data collection. The student-level data collection was modified last in 1994 since its inception in 1983.

There are three categories of proposed changes to data collected:

1. When data are collected,
2. Modifications to existing data collected, and
3. New data.

Modifications to Timing of Data Collection

Currently OHE collects enrollment data for fall term only. OHE proposes to collect data on enrolled students for every term of enrollment at the end of term. The fall term collection served as a census of enrolled students. However, the fall term only collection limits OHE's ability to understand patterns of enrollment across terms and excludes students who may enroll for the first time in spring or summer terms.

Modifications to existing data

OHE proposes to modify collection of several data items to make them compatible to with other postsecondary data collections.

Table 1. Modifications Proposed

Current Data	Proposed Modifications
Data collected from new entering students only: year of high school graduation; high school; and Minnesota county of residence	3 data items would be asked for all enrolled undergraduates
Student middle initial	Student middle name
Full or part-time enrollment status based on institution's definition	Change options for reporting of full or part-time enrollment status to allow reporting under both state and federal definitions: <ul style="list-style-type: none">• Full-time 15 credits or equivalent• 12 to 14 credits or equivalent• 11 credits or equivalent
Permanent state, province or country of residence	Add codes for U.S. armed forces branches overseas. Align codes to U.S. Postal Service standards.

Table 1. Modifications Proposed continued

Current Data	Proposed Modifications
Classification of Instructional Program (CIP) code for Major 1 / Major 2	Align field length to conform to the format used by the U.S. Department of Education.
Student ID Number	Align field length with current reporting by institutions
Tuition Type	Update codes to reflect current reciprocity agreements
Transfer Instructional Units	Clarify what should be reported in this field
MARSS ID	Mandate collection beginning in 2018
Award Completion date	Move from Month/Year to Month/Day/Year format

New data

OHE proposed collecting new data about institutions, student characteristics and credits/course loads.

New Institutional Data

OHE proposes several new data items about institutions to facilitate data use across multiple academic terms.

Table 2. New Institutional Data Proposed

New Institutional Data	Rationale
Institution term start and end date	Need these two items to align data reported to OHE and similar data institutions report to the National Student Clearinghouse (NSC) since OHE uses some NSC data within SLEDS.
Add Classification of Instructional Program (CIP) YEAR code for Major 1 / Major 2	The CIP Code versions change and institutions can use more than one version during a reporting cycle. Need the year to align data reported with proper CIP Code version.

New Student Characteristic Data

In addition, OHE proposes collecting additional student characteristics to better understand the type of student enrolled.

Table 3. New Student Characteristic Data Proposed

New Student Characteristic Data	Rationale
Veteran status	Not all high school graduates enroll directly in college. Some enroll in the military first. This indicator would enable OHE to track these individuals and to compare their outcomes with students who were not in the armed forces.
First generation status	Need another indicator to characterize an underserved college population and track their educational pathways to enable comparisons of Minnesota students with national studies on first generation students.
Zip Code of permanent residence	Zip Codes provide a more versatile option for mapping student origins instead of the currently collected Minnesota county.
ACT composite score	Currently the data does not have any academic characteristics of enrolled students. This would provide some indication of the student's college readiness.

New Credit Loads and Instruction Data

OHE proposes several additional data items regarding the credit loads students are both attempting and completing in regular courses and remedial education to better understand student pathways through their college enrollment.

Table 4. New Credit Loads and Instruction Data Proposed

New Credit Loads and Instruction Data	Rationale
Remedial credits by Subject	Currently OHE collects the credits for students in regular courses and remedial courses in fall term. There is no indication of the subject area of the course. Collecting remedial enrollments by subject would help understand areas of academic preparation incoming students need most.
Credits Attempted and Credits Completed	OHE proposes collecting both attempted and completed credits for regular and remedial courses, including remedial courses by subject area.

Data Collection Ending

OHE proposes ending collection of several data items that are no longer needed.

Table 5. Data Collections Ending

Data Collections Ending	Rationale
Student Type	Field indicated if the student was regular or extension; the “extension” student type is no longer used by institutions.
Extension Credits	Field indicated number of extension credits of enrollment; no longer used by institutions.
Name of Major	Names of majors in awards conferred vary widely by institution and thus are of little use in reporting; OHE currently collects the numeric CIP code assigned each major.

Changes Rejected

OHE collects data from Minnesota’s two public postsecondary systems and nearly 100 individual public institutions. These institutions range from small cosmetology schools to large liberal arts colleges to massive research universities. The data collection process usually requires OHE establish a lower common standard that can be met by most colleges. In addition, state law limits the information that OHE can collect to data necessary for the administration and management of programs. As a result, OHE must prioritize the needed data elements to establish a data standard most institutions can feasibly provide and demonstrate that the data fulfills identified administration and management needs.

OHE staff proposed several changes to student level data collections that were rejected as a consequence of discussions with institutions.

Table 6. Data Changes Rejected

Data Change Rejected	Rationale
Developmental education course level data	Developmental education is a critical state policy topic. Policymakers would like to understand if students are completing individual developmental courses enrolled. Collecting course level data allowing analysis and reporting across institutions would require a common course numbering. No such common course numbering uniformly exists across all Minnesota colleges.
Developmental education placement test results	Data not available from colleges at this time.
Gateway course level data	Relies on a common course numbering system across all postsecondary institutions. This is currently unavailable.
Dual credit course level data	Will use data currently collected by MDE instead of collecting from postsecondary institutions.
Student withdrawal status	Depending on the college's policy requirements for institutional withdrawal this data is not defined uniformly among the various institutions. A student defined as a withdrawal at one institution may not be a defined as a withdrawal at another institution. The proposed variable will be replaced by calculating term-to-term enrollment activity.
Transfer detail	Course specific transfer information (courses, transfer source, institutions if transferring in courses from multiple institutions) is not collected uniformly across institutions.
IPEDS cohort membership	The intent of state level data collection is not to replicate IPEDS reporting.
Citizenship	The proposal to change currently collected citizenship data with Federal SEVIS codes is not collected uniformly across institutions.

Future Challenges

Collecting K-12 Student Identifiers at the Postsecondary Level

The most effective way to link data between K-12 and postsecondary institutions is to use a common student identifier. For Minnesota, the most logical identifier is the MARSS number or the unique student identifier created for each enrolled student by the Minnesota Department of Education. The MARSS number can be printed on the student's high school transcript. Upon receipt of the transcript, colleges can record the number into their student information data systems and report the number to OHE as part of student enrollment data collection. However, Minnesota lacks a common high school transcript. As such, not all high schools are reporting the MARSS number on the transcript, if reported the number lacks a consistent format, and can be placed anywhere on the transcript. The lack of consistent format and placement creates problems for college staff trying to find the number and enter it into their data systems. Furthermore, large colleges such as the University of Minnesota Twin Cities would be entering approximately 10,000 high school transcripts. Hand entering MARSS numbers in large volumes is time and staff intensive. Minnesota should to develop sustainable e-transcript initiatives to address this need.

Disabling Condition

OHE staff met with Mary Hartnett, Executive Director of the Commission on Deaf, DeafBlind and Hard of Hearing Minnesotans, to seek advice on the need to collect data on college students with disabilities. Individuals with disabilities are an underserved population in Minnesota and data suggests these individuals have a low college enrollment rate and a high unemployment rate in our state.

College policies on collecting data on student disabling conditions and sharing of disability data are not consistent. Whether a student has any disability may not be centrally collected by a college unless the student is requesting accommodations be made. Data may only be stored in a data system accessible to authorized staff (e.g. Disability Services office). Many colleges noted that institutional research staff do not have access to the data and to request access would contradict existing institutional policies or practices regarding sharing disability data.

OHE determined that there is a need for more information about individuals with disabilities participating in higher education and this is a critically underserved population in Minnesota. Not collecting data about this population removes any voice this group may have and the ability of programs to measure service impact. Reporting data on college students with disabilities is in alignment with Minnesota's Olmstead Plan www.dhs.state.mn.us/olmstead/.

Since asking a student's disability status has been already collected since 1994 it was decided to keep requesting data but to realign definitions to current usage. It is understood that the data collected by OHE would be limited and not capture all enrolled students who may or may not have one of the disabilities asked.

Table 7. Disability Category

Current Label	Current Code	Proposed Label	Proposed Code
Visually disabled	01	Blind-Visually Impaired	01
Hearing disabled	02	Deaf and Hard of Hearing	02
Deaf-Blind	03	Deaf-Blind	03
Orthopedically disabled	04	Physically Impaired	04
Speech disabled	05	Speech or Language Disabilities	05
Emotionally/Psychologically disabled	06	Emotional and Behavioral Disorders	06
Learning disabled	07	Specific Learning Disabilities	07
Seizure disabled	08		
Multi-disabled	09		
Other disabled	10	Other Health Disabilities	10
		Autism Spectrum Disorders	11
		Developmental Cognitive Disabilities	12
		Developmental Delays	13
		Traumatic Brain Injuries	14
Not disabled	00	Not Disabled	00
Unavailable	99	Unavailable	99

Reporting Burdens for Institutions

Increased state data needs means that institutions must spend more staff time on mandated reporting instead of other activities. Regulatory bodies often misestimate the hours institutions have to spend on mandatory data reporting. The U.S. Department of Education (DoE) underestimated the amount of time institutions have to spend on enrollment verification and satisfactory academic progress by more than two million hours. In meeting regulatory requirements for data systems required for the DoE's teacher education program, the federal government estimated it would cost institutions nationwide a total of \$42 million over 10 years. However, an external analysis by the California State University System estimated the actual nationwide cost to be \$312 million over 10 years.¹ Complicating the estimation process is varying costs of compliance, based on the presence/extent of research and scale of expenditures at an institution.² Such inaccuracies in estimating institutional burdens result from closed processes lacking transparency. Solutions to cut down on the time institutions have to devote to mandatory reporting include letting institutions leverage the data they already collect instead of filling

¹ <https://www.acenet.edu/news-room/Pages/Task-Force-on-Government-Regulation-of-Higher-Education-Main.aspx>

² Vanderbilt University. The Cost of Federal Regulatory Compliance in Higher Education: A Multi-Institutional Study

out multiple surveys. It is estimated that such a change could reduce institution's IPEDS reporting burdens by two-thirds.³

Adequate System Support for Data Collection

Effective data collection relies heavily on Minnesota's two public institutional research system staff; the University of Minnesota's Office of Institutional Research and the MNSCU System Research staff. Inadequate support from these two public systems puts all of OHE's data collection efforts at risk.

Balancing Data Needs with Institutional Constraints

Besides collecting data from the two public systems, the data collection by OHE must incorporate data collection policies and practices used by more than 100 private colleges in the state of Minnesota as well. Not all colleges collect all the requested data. Data usage and definitions are not uniform across all institutions. Staffing is not similar across institutions to enable reporting of all the data in a timely fashion. Institutional limitations must be considered with state data collection efforts.

Collecting Better Information about Race/Ethnicity in Minnesota

Minnesota's diversity of subgroups highlights the need for better information about educational attainment by race/ethnicity. Minnesota should consider adopting disaggregated race/ethnicity categories for reporting data. Enhancements should specifically be made for reporting of Asian Pacific Islanders and African groups. Reporting categories should be adopted universally across areas of education, workforce, human services, health, corrections and all other sectors.

Two states, Hawaii and California in particular, have been innovators in collecting more detailed data about the racial and ethnic composition of their residents. Hawaii is home to the largest percentage minority population in the country. In addition, its central location in the Pacific Ocean has made it a location for many migrants from Asia. As a result, the state government has taken great care to capture the racial and ethnic diversity of the state. The Hawaii Department of Education uses 17 different racial and ethnic categories for collecting data on their students. California has the largest (and greatest as a proportion) Asian American/Pacific Islander population in the continental U.S. The California Department of Education uses 13 different categories for those who are Asian American/Pacific Islander (California's Government Code section 8310.5). This change was started by student-led grassroots action at college campuses. Also, K-12 schools and higher education institutions supported further disaggregation, as both entities wanted to better understand achievement gaps in college preparation.

Data collection by race and ethnicity is an area of concern for Minnesota's communities of color. In response to the U.S. Department of Education's efforts to increase data disaggregation, the Council on Asian-Pacific Minnesotans testified that better data disaggregation of Asian and Pacific Islander students is needed "to truly understand and create programs and opportunities to meet the needs of students who are in need of help and assistance" (Dinh, 2013). This recommendation comes with two reservations. First, local entities may need additional support and resources. Despite the challenges that come with developing new data systems, institutions have shown they are open to making

³ <http://www.edcentral.org/onemillionhours/>

changes if it means they can better serve their students (Dinh, 2013). Second, issues can potentially arise when sharing data across different levels, or organizations. To facilitate reporting, it is important that reporting for local and state purposes align with federal data requirements; otherwise local entities may have difficulty in implementing new collection standards.

Minnesota's diversity of subgroups highlights the need for better information about educational attainment by race/ethnicity.

Conclusion

The proposed changes to enrollment data collection serve to strengthen the ability to document the pathways students take into/through/out of postsecondary education, the predictors of student success, and the performance of Minnesota's overall postsecondary system. OHE can utilize the information derived from such data to aid consumers in making informed college choice decisions, identify strengths and weaknesses within the postsecondary system, and ensure that the progress of and outcomes for critical subgroups (Students of color, lower income students, returning adults) within the Minnesota student population are being captured.

Appendix 1 – Meeting Schedule with Institutions

Table 8: OHE Data Advisory Meeting Schedule and Agendas

Date	Agenda
Wednesday, December 16, 2015	<ol style="list-style-type: none">1. Purpose, Process, and Personnel2. Student Enrollment Data Changes3. Degrees Conferred Data Changes4. Next Steps5. Q&A
Wednesday, January 13, 2016	<ol style="list-style-type: none">1. Review of Meeting 12. Edits based on Feedback from Meeting 13. Reporting Cycle4. Open Discussion – institutional feedback5. Next Steps6. Q&A
Wednesday, February 10, 2016	<ol style="list-style-type: none">1. Disability data, MARSS number2. Walk through of data collection manual3. Open Discussion – institutional feedback4. Next Steps5. Q&A
Wednesday, March 2, 2016	<ol style="list-style-type: none">1. Reporting Calendar2. Maintaining the Privacy (Security) of Individual Information3. Feedback from Institutions4. Next Steps5. Q&A

Appendix 2 –Institutions Represented

The following institutions and systems attended the Data Advisory meetings pursuant to this project.

Augsburg College
Bethany Lutheran College
Bethel University
Capella University
Carleton College
CenterPoint Massage and Shaitsu Therapy School & Clinic
Concordia College
Concordia University
Crown College
Globe University
Gustavus Adolphus College
Hamline University
Institute of Production and Recording
Macalester College
Minnesota School of Business
Rasmussen College
Regency Beauty Institute
Saint Catherine University
Saint Mary's University of Minnesota
Saint Olaf College
University of Phoenix
University of Saint Thomas
Walden University
Minnesota State Colleges and Universities System
University of Minnesota System

Appendix 3 –Draft Data Sharing Agreement

The following is proposed wording for the OHE-Institution Data Sharing Agreement covering student enrollment and awards conferred data. Sections underlined are new.

Draft June 21, 2016

ENROLLMENT DATA SHARING AGREEMENT

Between «Institution» and the Minnesota Office of Higher Education

The «Institution» is an educational agency or institution subject to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, and 34 C.F.R. 99 (FERPA). The Minnesota Office of Higher Education (OHE) is an educational authority under 34 C.F.R. § 99.31(a)(3)(iv). OHE is authorized by State and Federal laws to access education records in order to conduct audits or evaluations of federal or state-supported education programs, including compliance and enforcement activities, under 34 C.F.R. § 99.35(a). This Agreement sets forth the conditions and provisions of FERPA and Minnesota Government Data Practices Act (MGDPA) Chapter 13 specifically applicable to OHE in connection with «Institution»'s disclosure of personally identifiable education records (education records) to OHE in furtherance of its statutory responsibilities stated at Minn. Stat. § 136A.01 et seq., and for the Minnesota P-20 Statewide Longitudinal Education Data System (SLEDS) project.

OHE acknowledges and agrees that all education records provided by «Institution» to OHE pursuant to this Agreement, and all data created, collected, received, stored, used, maintained, or disseminated in accordance with this Agreement, are subject to applicable privacy laws, including FERPA and the MGDPA, and OHE agrees for the protection and benefit of «Institution» and «Institution»'s students to comply with all applicable laws in connection with data provided to OHE by «Institution» under this Agreement.

Pursuant to Minn. Stat. § 136A.01 et seq. and this Agreement, «Institution» shall provide education records to OHE in accordance with the attached Appendix A for the following purposes: 1) in connection with financial aid, as permitted by 20 U.S.C. § 1232g(b)(1)(D) and 34 C.F.R. § 99.31(a)(4); 2) subject to 20 U.S.C. § 1232g (b)(3) and 34 C.F.R. § 99.35 to an educational authority to audit or evaluate Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs; and 3) to an organization to conduct studies for or on «Institution»'s behalf, as permitted by 20 U.S.C. § 1232g(b)(1)(F) and 34 C.F.R. § 99.31(a)(6). OHE may use the education records only for the purposes provided for in this Agreement or as may be subsequently authorized in writing by a duly authorized representative of «Institution».

«Institution» and the OHE specifically understand and agree that education records provided by «Institution» to OHE under this Agreement are subject to the following terms and conditions:

1. «Institution»'s education records shall be disclosed by OHE to its employees, agents or contractors, solely to meet OHE's statutory responsibilities stated at Minn. Stat. § 136A.01 et seq. and for use in SLEDS as further described and limited herein. Any use or disclosure of «Institution»'s education records by OHE, its employees, agents or contractors is subject to and shall be consistent with applicable provisions of FERPA and the MGDPA including, but not limited to, FERPA regulations at 34 C.F.R. § 99.32, 34

C.F.R. § 99.33, and 34 C.F.R. § 99.35 regarding recordkeeping, re-disclosure and destruction of education records.

2. For education records provided to OHE pursuant to 34 C.F.R. § 99.31(a)(6)(i) and 34 C.F.R. § 99.35, the parties agree that OHE research and reporting, including SLEDS, will provide educators and policymakers with more comprehensive data and analysis from which to make informed decisions leading to educational improvement at all levels, that it is of indefinite duration, and that the information to be disclosed is described in this Agreement and the SLEDS Data Access and Management Policy.
 - a. OHE shall conduct all research and reporting, including SLEDS, in a manner that does not permit identification of the institution providing the education records by individuals other than representatives of OHE except where permission for release is granted by the institution.
 - b. For purposes of this Agreement, *Summary Data* is defined as statistical records and reports aggregated from data on individuals in a way that individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.
 - c. Permission for release of institution identification pursuant to data shared under this Agreement is granted in the following circumstances:
 - i. Summary data published pursuant to state or federal mandate, including but not limited to Minn. Stat. §136A.121 Subd. 20, and Workforce Innovation and Opportunity Act (WIOA);
 - ii. Summary data approved as part of SLEDS web-based data tools including, but not limited to SLEDS mobile analytics; Graduate Employment Outcomes, published reports (*Getting Prepared 2016*) or other SLEDS branded research products;
 - iii. Summary directory data, including but (e.g. enrollment counts, awards conferred counts), and
 - iv. Summary data used by another institution for internal planning and management and not for publication created from data provided as part of the SLEDS Postsecondary Data Mart.
 - d. OHE shall conduct all research and reporting, including SLEDS, in a manner that does not permit personal identification of students by individuals other than representatives of OHE.
 - e. The information shared pursuant to this agreement must be destroyed when no longer needed for purposes of this agreement as required by 34 C.F.R. 99.31(a)(6)(ii) or upon termination of this agreement.
 - f. The following individual is designated as representative of «Institution» for purposes of granting permission for release under clause 2.

Name: _____

Title: _____

Address: _____

Telephone: _____

3. OHE shall implement and maintain appropriate administrative, technical and physical safeguards (“Safeguards”), including those required by MN.IT Services that prevent any collection, use or disclosure of, or access to electronically maintained or transmitted education records received from or on behalf of «Institution» that this Agreement does not expressly authorize. These Safeguards will be extended by contract to all subcontractors used by OHE.
4. For purposes of this Agreement, a “Breach of the Security of the Data” shall mean unauthorized acquisition of data maintained by a state agency. Good faith acquisition of government data by an employee, contractor, or agent of a state agency for the purposes of the state agency is not a Breach of the Security of the Data, if the government data is not provided to an unauthorized person. “Unauthorized acquisition” means that a person has obtained government data without the informed consent of the individuals or institutions who are subjects of the data or statutory authority and with the intent to use the data for nongovernmental purposes. In the event of a “Breach of the Security of the Data” or possible “Breach of the Security of the Data” involving education records or aggregate and distributional reporting of education records disclosed to OHE by «Institution» pursuant to this Agreement, OHE shall:
 - a. notify the MN.IT Services as described in the Data Breach Preparation and Notification Guideline;
 - b. notify the duly authorized representative of «Institution»;
 - c. notify the Governance Committee for the SLEDS; and
 - d. notify any individual whose private or confidential information was, or is reasonably believed to have been, acquired by an unauthorized individual as required by Minn. Stat. § 13.055.
5. OHE shall maintain and utilize appropriate data security protocols, data transfer procedures involving any use, disclosure, re-disclosure, retention and destruction of «Institution»’s education records pursuant to this Agreement.

6. All education records provided by «Institution» and all information from education records provided by «Institution» shall be de-identified by OHE prior to use in the SLEDS as allowed under 34 C.F.R. § 99.31 (b).
 - a. Upon de-identification by OHE of the education records provided by «Institution», OHE may attach a re-identification code to the education record for each individual for the purposes of matching de-identified education records to the source to obtain additional information for education research pursuant to 34 C.F.R. § 99.31(b)(2).
 - b. OHE will not provide any other government agency with personally identifiable information contained in the education records provided by «Institution». Any “matching” of data from another government agency shall be performed by OHE.
 - c. Upon request, OHE shall provide «Institution» with access to the information obtained by matching «Institution»’s education records with data obtained from another state agency as allowed by law.
7. If the U.S. Department of Education determines that OHE has violated an applicable provision of FERPA regarding re-disclosure or the requirement that the education records provided be destroyed when no longer needed for the purposes for which the records were disclosed, then, if required by FERPA, «Institution» may not permit OHE access to personally identifiable information from its education records for at least five years.
8. Each party agrees that it will be responsible for its own acts and results thereof and shall not be responsible for the acts of the other party and results thereof. «Institution» is not liable in the event of any unauthorized or unlawful disclosure by OHE (or any other state agency) of education records or information from education records. OHE’s liability shall be governed by the provision of the Minnesota Tort Claims Act, Minnesota Statutes §3.732, et seq., and other applicable Minnesota law.
9. This Agreement may be amended in writing at any time by mutual consent of the parties.
10. Either party may terminate this Agreement for any reason upon 90 days’ written notice. Upon termination of this Agreement, OHE will destroy all education records that «Institution» provided to OHE pursuant to this Agreement when the information is no longer needed for the purposes outlined in the Agreement. Absent termination, this Agreement shall continue in effect for a period of five years from the date of execution by «Institution».

11. This Agreement replaces, supersedes and nullifies any prior agreements between the parties pertaining to «Institution»'s disclosure of personally identifiable education records (education records) to OHE.

Date

Lawrence J. Pogemiller, Commissioner
Minnesota Office of Higher Education

Date

«Salutation» «PresFirstName» «PresLastName»
«PresTitle»,
«Institution»

Appendix A

OHE may request from «Institution» the following education records as may be necessary for appropriate purposes pursuant to the attached Agreement:

For each term of enrollment:

1. Fiscal year
2. Institution code
3. Term season
4. Term start date
5. Term end date
6. Term type
7. Student last name
8. Student first name
9. Student middle name
10. Social security number
11. Institution student number
12. Gender
13. Birthdate
14. Racial/ethnic origin
15. Disabling condition
16. First generation
17. Veteran/military status
18. Citizenship status
19. State, province of residence
20. Minnesota county of residence
21. Zip code
22. Secondary school experience
23. Year of high school graduation
24. ACT composite score
25. Registration type
26. Student level
27. Enrollment status
28. Tuition type
29. Award seeking
30. Major 1
31. Major CIP code year
32. Award level 1
33. Major 2
34. Award level 2
35. Unit of instructional measure
36. Quarter hour equivalence
37. Regular instructional units attempted
38. Regular instructional units completed
39. Withdrawal status
40. Total remedial units attempted

41. Total remedial units completed
42. Remedial units attempted-math
43. Remedial units completed-math
44. Remedial units attempted-reading
45. Remedial units completed-reading
46. Remedial units attempted-writing
47. Remedial units completed-writing
48. Remedial units attempted-other
49. Remedial units completed-other
50. Accumulated units
51. Transfer instructional units
52. MARSS number

For each award conferred:

1. Fiscal year
2. Institution code
3. Student last name
4. Student first name
5. Student middle name
6. Social security number
7. Institution student number
8. Gender
9. Birthdate
10. Racial/ethnic origin
11. State, province of residence
12. Award type
13. Date award conferred
14. Joint award
15. First major
16. Second major
17. Major CIP code year

«Institution» may at its discretion utilize a code of “Not Applicable” for enrollment or awards conferred data that is not available, not collected by «Institution», or not disclosed by «Institution» pursuant to institutional policies, for the following education records:

1. Social security number
2. Gender
3. Birthdate
4. Racial/ethnic origin
5. Disabling condition
6. Citizenship status
7. Award seeking
8. Registration type
9. Major 1

10. Major CIP code year
11. Major 2
12. Secondary school experience
13. Year of high school graduation
14. Tuition type
15. Unit of instructional measure
16. Quarter hour equivalence
17. Regular instructional units attempted
18. Regular instructional units completed
19. Total remedial units attempted
20. Total remedial units completed
21. Remedial units attempted-math
22. Remedial units completed-math
23. Remedial units attempted-reading
24. Remedial units completed-reading
25. Remedial units attempted-writing
26. Remedial units completed-writing
27. Remedial units attempted-other
28. Remedial units completed-other
29. Accumulated units
30. Transfer instructional units

Upon request, «Institution» shall provide OHE with institutional policies related to non-disclosure of the specified data elements utilizing a code of “Not Applicable” under the non-disclosure exemption.