

**AMENDMENT #2 TO THE
MEMORANDUM OF AGREEMENT**
Between
**THE CONNECTICUT INDEPENDENT COLLEGE AND UNIVERSITY
INSTITUTE FOR RESEARCH AND PUBLIC SERVICE, INC.**
and
THE CONNECTICUT DEPARTMENT OF LABOR

The Connecticut Independent College and University Institute for Research and Public Service, Inc. (Cicu-IRPS) and the Connecticut Department of Labor ("DOL") are parties to the original Memorandum of Agreement (the "MOA") last dated December 9th, 2015. The parties agree to modify the MOA as follows:

1. The Recitals are amended to read, in its entirety, as follows:

WHEREAS, the purpose of this agreement is to enable the audit and evaluation of Federal- or State-supported K-12 and Federal- or State-supported postsecondary education programs, as defined in 34 C.F.R. § 99.3, by linking data for the Preschool through Twenty and Workforce Information Network ("P20 WIN") in order to assess the degree to which said education programs are preparing students for post-secondary education and the workforce and to assess the efficacy of state or federally funded higher education grant programs;

WHEREAS, in order to accomplish this purpose, it may be useful to link data from the education records of students enrolled at the member institutions of Cicu-IRPS ("Education Records"), to workforce data provided by the DOL, data from the education records of students in preschool, elementary and secondary public schools provided by the Connecticut State Board of Education, ("SBOE"), data from Connecticut State Universities and Colleges ("CSCU") and other organizations as permitted herein; and

WHEREAS, DOL has access to data matching software which can be utilized to match and link longitudinal data from state agencies and other organizations for the purpose of conducting audits and evaluations of Federal- and State-supported education programs; and

WHEREAS, pursuant to 34 C.F.R. § 99.31(a)(1)(i)(B) Cicu-IRPS is serving as a contractor to whom its member institutions, non-profit institutions of higher education in Connecticut that receive state and federal funding, have outsourced certain functions – including the function of collecting, consolidating and sharing student data with P20 WIN for the purpose of audits or evaluations of education programs by state education agencies – for which the member institutions would otherwise use its employees, and thus Cicu-IRPS may be considered a school official with a legitimate educational interest. It is the position of Cicu-IRPS and its member institutions that pursuant to 34 CFR §§ 99.31(a)(3)(iv), 99.35, and

99.31(a)(1)(i)(B), Cicu-IRPS may disclose the PII it receives from the member institutions to P20 WIN without consent from individual students for the purpose of the P20 WIN Evaluations

WHEREAS, the following institutions of Cicu-IRPS ("member institutions") have entered into an agreement (attached here for reference purposes) with Cicu-IRPS for this: Albertus Magnus College, Connecticut College, Fairfield University, Goodwin College, Sacred Heart University, St. Vincent's College, University of St. Joseph, Trinity College (Hartford, CT), University of Bridgeport, University of Hartford, University of New Haven, Wesleyan University and Yale University.

WHEREAS, while at all times Cicu-IRPS on behalf of its member institutions retains ownership of the data from the Education Records provided under this MOA, DOL shall serve as the custodian of the data from the Education Records that will be processed by software residing on its servers and have responsibilities as set forth herein for installation of the application, hardware, establishing network linkages and connecting data sources; and

WHEREAS, 34 C.F.R. §§ 99.31(a)(3) and 99.35, as amended effective January 3, 2012, provides that the disclosure of personally identifiable information ("PII") from education records to an authorized representative of state educational authorities as permitted herein pursuant to the "Audit or Evaluation Exception" is permissible without prior consent if the disclosure is for the purpose of carrying out an audit or evaluation of Federal- or State-supported education programs or for the enforcement of or compliance with federal legal requirements related to these programs; and

WHEREAS, pursuant to this agreement and 34 C.F.R. §§ 99.31(a)(3) and 99.35, Cicu-IRPS will disclose data from Education Records on behalf of the member institutions to DOL as the authorized representative of the state educational authorities that are part of P20 WIN, for the purpose of assisting the state educational authorities in P20 WIN in conducting their audits and evaluations of Federal- or State-supported education programs to determine the degree to which education programs are preparing students for postsecondary education and for success in the workforce and to assess the efficacy of state or federally supported higher education grant programs; and

WHEREAS, the Connecticut Department of Labor and the United States Department of Labor (US DOL) have entered into agreement that authorizes the Connecticut Department of Labor to participate in the Wage Record Interchange System 2 ("WRIS2") according to the existing agreement between DOL and the US DOL. A purpose of WRIS2 is to enable states to obtain workforce outcomes from other states in order to obtain wage data to prepare aggregate statistical reports and analyses to satisfy the reporting and performance requirements under Federal or state legislation, or Federal or state regulation, for the following: secondary and post-secondary education programs (including programs

incorporated in the WIA Title II, the Adult Education and Family Literacy Act); applied technology education, professional licensing and certification, and private training and education programs (including programs incorporated in the Carl D. Perkins Career and Technical Education Act of 2006, 20 USC 2301 et seq.); employment and training activities carried out under the Community Services Block Grant program 42 USC 9901 et seq.; public assistance employment service programs provided under Temporary Assistance for Needy Families under Part A of Title IV of the social security Act, 42 USC 601 et seq.; work programs and employment and training programs carried out under Sections 6(o) and 6(d)(4), respectively, of the Food Stamp Act of 1977, 7 USC 2015; vocational rehabilitation programs authorized under Title I of the Rehabilitation Act of 1973, 29 USC 720 et seq; postsecondary vocational education programs authorized under the Carl D. Perkins Vocational-Technology Education Act Amendments of 1998, P.L. 105-332 (October 31, 1998) [20 USC 2301 et seq.]; Federal or state-administered correctional transition programs and re-integration of former offenders programs; employment and training programs carried out by the U.S. Department of Housing and Urban Development (HUD); programs authorized under the National and Community Service Act of 1990, 42 USC 12501 et seq.; and, where appropriate, programs related to transportation or housing, and private sector programs."

2. Section IV Methodology, is amended to read, in its entirety, as follows:

Cicu-IPRS and DOL agree to the following methodology for data matching and access by DOL:

- A. After a data request has been approved in accord with the P20 WIN Data Request Management Procedure, Participating Agencies whose data is a part of the request shall send files to DOL that contain only limited PII for matching the records that are needed to satisfy the approved Data Request. In addition to limited PII, each input file shall contain a generic unique identifier for each person record. The generic unique identifier will bear no resemblance to or contain any part of an individual's education data.
- B. Upon receipt of all required input data sets, DOL shall utilize data matching software approved by the Data Governing Board to identify matches between the data sets. Once the matching is complete, DOL will strip the PII from the matched data file. The stripped PII and the PII in the original data files shall be destroyed. The resulting file, containing a matrix of the generic unique identifiers that reflects how the original data sets can be linked, shall be sent to the approved requestor for the completion of the approved data request.
- C. If an approved P20 WIN data request requires the inclusion of wage records from other states in the nation in addition to Connecticut and falls within the allowable usages of WRIS2, DOL shall utilize WRIS2 to obtain wage and employment data from the additional states according to the provisions of the WRIS2 Data Sharing Agreement

between DOL and the United States Department of Labor. This agreement is included with this amendment as Attachment 1.

3. Section VII.A Duration, is amended to read, in its entirety as follows:

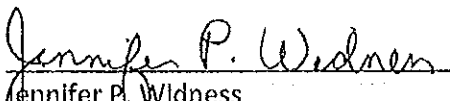
A. **Duration.** This Agreement will become effective upon its execution by both parties and will expire on September 30, 2021. This Agreement may be extended in writing by both parties.

4. Integration Provision. Except as expressly modified by this amendment, the MOA will remain in full force and effect in accordance with its terms. If there is conflict between this amendment and the MOA or any earlier amendment, the terms of this amendment will prevail.

Acceptance and Approval


IN WITNESS WHEREOF, the parties have executed this Amendment by their duly authorized representatives with full knowledge of and agreement with its terms and conditions. In the interest of expedience, this document may be executed in counterpart and all counterparts shall be considered originals.

For the Connecticut Independent College and University Institute for Research and Public Service, Inc.


Jennifer P. Widness
President

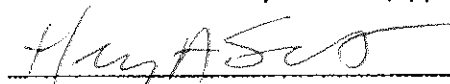
9/19/16
Date

For the Department of Labor:


Scott D. Jackson
Commissioner

9/26/16
Date

Connecticut Attorney General (approved as to form)


Henry A. Salton
Assistant Attorney General

9/26/16
Date

