

Amendment to Agreement # 15-51 **DRAFT**

AMENDMENT #1 TO THE
MEMORANDUM OF AGREEMENT
Between
THE CONNECTICUT STATE COLLEGES AND UNIVERSITIES
and
THE CONNECTICUT DEPARTMENT OF LABOR

The Board of Regents for Higher Education, on behalf of the Connecticut Community Technical Colleges, the Connecticut State University System and Charter Oak State College and the Connecticut Department of Labor ("DOL") are parties to the original Memorandum of Agreement (the "MOA") last dated January 14, 2015. Formerly referred to collectively as the Board of Regents for Higher Education, Connecticut Public Act 16-15, Section 5 provides that the Connecticut Community Technical Colleges, the Connecticut State University System and Charter Oak State College comprise that constituent unit of the state system of public higher education known as the Connecticut State Colleges and Universities. As a point of clarification, the Connecticut State Colleges and Universities ("CSCU") and the DOL are parties in this Amendment #1 ("Amendment") on the terms and conditions set forth in the MOA, as modified by this Amendment. The parties agree to modify the MOA as follows:

1. The Opening Paragraph of the MOA is amended to read, in its entirety, as follows:

This Memorandum of Agreement ("MOA") is between the Connecticut State Colleges and Universities (CSCU) and the Connecticut Department of Labor (DOL) in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (FERPA) and its implementing regulations in 34 Code of Federal Regulations ("C.F.R.") Part 99.

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

WHEREAS, the CSCU System Office serves as the administrative body for the CSCU and collects and maintains education records as defined by FERPA, 20 U.S.C. § 1232g(a)(4)(A), and its implementing regulations, 34 C.F.R. 99.3 of students who are enrolled in these public higher education institutions within the State of Connecticut; and

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, data from the education records of students of the Connecticut State Universities and Colleges, ("Education Records"), must be linked to workforce data provided by the Connecticut Department of Labor ("DOL") and data from the education records of students in preschool, elementary and secondary public schools provided by the Connecticut State Board of Education, ("SBOE"), 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, while at all times CSCU 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(a)(2), as amended effective January 3, 2012, provides that the disclosure of personally identifiable information ("PII") from education records to an authorized representative 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, the CSCU will disclose data from Education Records to DOL as its authorized representative, as that term is defined in 34 C.F.R. 99.3, for the purpose of conducting an audit and evaluation 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 regulations further require the CSCU execute a written agreement to designate the authorized representative and specify the requisite details regarding the purpose and uses of the PII; 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.”

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

The CSCU and DOL agree to the following methodology for data matching and access by DOL:

After a data request has been approved in accord with the P20WIN Data Request Management Procedure, Participating Agencies whose data is a part of the request shall send files to DOL which 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.

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.

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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.

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

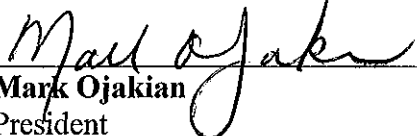
A. Duration. This Agreement will become effective upon its execution by both parties and will expire on September 30, 2021. This Agreement may be extended in writing by both parties.

5. 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.

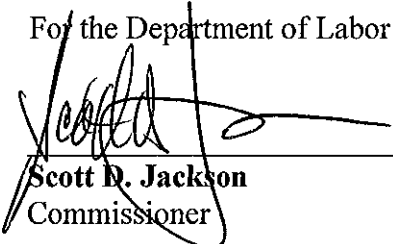
For the Connecticut State Colleges and Universities:



Mark Ojakian
President

9-12-16
Date

For the Department of Labor:



Scott D. Jackson
Commissioner

9/26/16
Date