

1 HB97
2 181723-2
3 By Representatives Collins and Baker
4 RFD: Education Policy
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8 SYNOPSIS: This bill would establish the Alabama
9 Network of Statewide Workforce and
10 Education-Related Statistics (ANSWERS) for Alabama,
11 a data system to be developed, operated, and
12 maintained by the Alabama Office of Education and
13 Workforce Statistics within the Department of
14 Labor.

15 This bill would utilize existing data assets
16 to provide education and workforce training for
17 Alabama residents.

18 This bill would provide for the protection
19 and safeguard of identifying confidential education
20 and workforce information on individuals.

21 This bill would establish an advisory board
22 to the Office of Education and Workforce Statistics
23 to oversee the development and operation of the
24 system and to establish the research agenda of the
25 office.

26 This bill would also provide for a research
27 agenda to include all of the following: Assessing

1 the availability of skilled workforce to address
2 current and future demands of business and
3 industry; providing information to improve the
4 effectiveness of educational programs and
5 educational outcomes; providing information to
6 improve the effectiveness of workforce training and
7 workforce outcomes; providing timely and actionable
8 information to students and parents to aid in
9 career path decisions; and providing information
10 regarding return on investment of education and
11 workforce programs.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official ReCompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 Relating to education and workforce; to establish
11 the Alabama Network of Statewide Workforce and
12 Education-Related Statistics (ANSWERS) system, utilizing
13 existing data assets to provide education and workforce
14 training for Alabama residents; to establish and provide for
15 the duties, funding, security, and operational procedures of
16 the Alabama Office of Education and Workforce Statistics to
17 develop, operate, and maintain the system; to provide for the
18 protection and safeguarding of confidential education and
19 workforce information on individuals; to provide for an
20 advisory board to the office; to provide for the adoption of a
21 statewide governance plan; and in connection therewith to have
22 as its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official ReCompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. For the purposes of this act, the
2 following terms shall have the following meanings:

3 (1) ADVISORY BOARD. The Advisory Board of the
4 Alabama Office of Education and Workforce Statistics.

5 (2) DEIDENTIFIED DATA. A data set in which parent
6 and student identity information, including the state assigned
7 student identifier and student Social Security number, has
8 been removed.

9 (3) EDUCATIONAL DATA. Data relating to student
10 performance.

11 a. The term includes student performance on state
12 and national assessments including, but not limited to, any of
13 the following:

- 14 1. Courses taken and completion.
- 15 2. Grade point average.
- 16 3. Remediation.
- 17 4. Retention.
- 18 5. Degree, diploma, certificate, or credential
19 attainment.
- 20 6. Enrollment.
- 21 7. Demographic data.

22 b. The term does not include any of the following:

- 23 1. Juvenile delinquency records.
- 24 2. Criminal and juvenile records.
- 25 3. Medical and health records.
- 26 4. Discipline records.

1 (4) OFFICE. The Alabama Office of Education and
2 Workforce Statistics.

3 (5) SYSTEM. The Alabama Network of Statewide
4 Workforce and Education-Related Statistics (ANSWERS) for
5 Alabama data system.

6 (6) WORKFORCE DATA. Includes, but is not limited to,
7 all of the following:

8 a. Employment status.

9 b. Wage information.

10 c. Geographic location of employment.

11 d. Industry of employment.

12 (7) WORKFORCE TRAINING DATA. Includes, but is not
13 limited to, all of the following federal Workforce Innovation
14 and Opportunity Act training program data:

15 a. Dislocated worker programs.

16 b. Youth training programs.

17 c. Adult education programs.

18 d. Career technical education data.

19 e. Other educational and workforce data deemed
20 necessary by the advisory board to achieve the educational,
21 workforce, and workforce training goals of the state.

22 Section 2. (a) The Alabama Network of Statewide
23 Workforce and Education Related Statistics system shall be
24 developed as provided in this act.

25 (b) The system shall do all of the following:

26 (1) Leverage the strengths of education and industry
27 to improve educational outcomes and to promote workforce and

1 economic development by providing the capability to look at
2 educational outcomes and workforce outcomes across entities
3 and over time.

4 (2) Maximize existing data assets by utilizing
5 educational and workforce training program outcome information
6 from early learning through postsecondary education and into
7 the workforce.

8 (3) Provide information on the effectiveness of
9 educational and workforce training programs, not individuals,
10 by doing all of the following:

11 a. Assessing the availability of a skilled workforce
12 to address current and future demands of business and
13 industry.

14 b. Providing information to improve the
15 effectiveness of educational programs and educational
16 outcomes.

17 c. Providing information to improve the
18 effectiveness of workforce training and workforce outcomes.

19 d. Providing timely and actionable information to
20 students and parents to aid in career path decisions.

21 e. Providing information regarding return on
22 investment of educational and workforce programs.

23 f. Guiding decision makers at all levels to further
24 facilitate the enhancement of educational and workforce
25 programs.

26 (c) All information collected from participating
27 education and workforce authorities shall be collected in

1 accordance with state and federal law and be protected,
2 safeguarded, kept confidential, and used only by appropriate
3 educational and workforce authorities in order to serve the
4 best interests of participants in accordance with state and
5 federal law.

6 (d) Each providing educational and workforce
7 authority shall retain ownership of all of its data shared for
8 collaboration in the system.

9 Section 3. (a) There is established the Alabama
10 Office of Education and Workforce Statistics as a separate
11 division under the Department of Labor headed by a chief
12 policy officer appointed by the Governor from a list of
13 nominations made by the advisory board.

14 (1) The office may employ additional staff as
15 necessary to carry out the functions of the office, contingent
16 upon funding. The office may enter into contracts or other
17 agreements with appropriate entities to the extent necessary
18 to carry out the duties and responsibilities of the office and
19 shall pursue all available funding for the development and
20 maintenance of the system, including all of the following:

21 a. State appropriations.

22 b. Grants or other assistance from local education
23 agencies and institutions of higher education.

24 c. Federal grant funding.

25 d. User fees.

26 e. Any other grants or contributions from public or
27 private entities received by the office.

1 (2) For the limited purpose of accessing and
2 compiling educational data for research purposes, the office
3 shall be considered an authorized representative of the State
4 Department of Education under applicable federal and state
5 laws.

6 (3) Subject to the availability of funding, the
7 office shall do all of the following:

8 a. In coordination with the advisory board, develop
9 an implementation plan to phase in the establishment and
10 operation of the system.

11 b. Serve as the collecting repository of educational
12 data and workforce data in the system, including data sets
13 provided by entities identified by the office and advisory
14 board.

15 c. Oversee and maintain the system, including
16 procedures for collecting, managing, and reporting data.

17 d. Adopt deidentification standards and procedures
18 using modern statistical methods.

19 e. Hold providers of educational and workforce data
20 accountable for data quality and integrity.

21 f. Protect and maintain the confidentiality of
22 collected data, including compliance with the federal Family
23 Education Rights and Privacy Act 20 U.S.C. § 1232g., all other
24 relevant state and federal privacy and confidentiality laws,
25 and all relevant state cyber security policies, including
26 rules and policies established by the advisory board that are

1 not in conflict with existing state or federal laws, rules, or
2 regulations.

3 g. Identify outcomes of education and workforce
4 development programs at all levels from early learning through
5 postsecondary education and into employment.

6 h. Conduct and support research studies designed to
7 improve instruction or to develop assessments for, or on
8 behalf of, all education, workforce, and workforce training
9 providers.

10 i. Develop requirements and definitions for data to
11 be provided to the system to ensure interoperability.

12 j. Link educational, workforce, and workforce
13 training data from multiple sources through quality matching.

14 k. Ensure adherence to data security and privacy
15 policies.

16 l. Respond to approved research data requests in
17 accordance with the data access and use policies established
18 by the chief policy officer and the advisory board.

19 (b) The system shall be fully operational by
20 September 30, 2020.

21 Section 4. (a) The advisory board is established and
22 shall consist of all of the following members:

23 (1) The Secretary of Labor, who shall serve as
24 co-chair.

25 (2) The Secretary of Information Technology, who
26 shall serve as co-chair.

27 (3) The education policy advisor to the Governor.

1 (4) The Chair of the Senate Finance and Taxation
2 Education Committee, or his or her designee.

3 (5) The Chair of the House Ways and Means Education
4 Committee, or his or her designee.

5 (6) The State Superintendent of Education, or his or
6 her designee.

7 (7) The Chancellor of the Alabama Community College
8 System, or his or her designee.

9 (8) The chief academic officer of the University of
10 Alabama System, or his or her designee.

11 (9) The chief academic officer of the Auburn
12 University System, or his or her designee.

13 (10) The President of the Alabama Association of
14 Independent Colleges and Universities, or his or her designee.

15 (11) The Chair of the Alabama Commission on Higher
16 Education, or his or her designee.

17 (12) The Secretary of the Alabama Department of
18 Early Childhood Education, or his or her designee.

19 (13) The Secretary of the Alabama Department of
20 Commerce, or his or her designee.

21 (14) The State Service Commissioner of the State
22 Department of Veterans Affairs, or his or her designee.

23 (15) The President of the Alabama Council of College
24 and University Faculty Presidents, or his or her designee.

25 (16) The Executive Director of the Economic
26 Development Association of Alabama, or his or her designee.

1 (17) The Chair of the Alabama Workforce Council, or
2 his or her designee.

3 (18) The Governor shall appoint the following
4 representatives to serve no more than two consecutive
5 three-year terms on the advisory board:

6 a. An information technology expert representing
7 private industry with expertise in large data systems and data
8 security.

9 b. A representative of the local school system
10 superintendents in this state.

11 c. A representative of the State Board of Education.

12 d. A representative of the Board of Trustees of the
13 Alabama Community College System.

14 e. A representative of regional colleges and
15 universities in the state.

16 f. A representative of historically black colleges
17 and universities in the state.

18 (19) One representative of the public who shall be
19 appointed by the Governor to serve no more than one three-year
20 term.

21 (20) Additional members may be appointed by the
22 Governor, if determined necessary by the advisory board.

23 (b) All members of the advisory board shall serve at
24 the pleasure of the appointing authority. The appointing
25 authorities shall coordinate their appointments to assure the
26 membership of the advisory board is inclusive and reflects the
27 racial, gender, geographic, urban, rural, and economic

1 diversity of the state. Members of the advisory board may not
2 receive any compensation or reimbursement for serving on the
3 advisory board.

4 (c) The duties of the advisory board shall include
5 all of the following:

6 (1) To oversee the development of a detailed data
7 governance plan before implementation of the system and to
8 conduct an annual review of the plan thereafter.

9 (2) To establish the research agenda of the office.

10 (3) To identify critical policy questions to improve
11 education and workforce outcomes at all levels.

12 (4) To advise the office, as necessary, regarding
13 matters relating to the operation and maintenance of the
14 system.

15 (5) To oversee compliance regarding the safeguarding
16 and protection of the collected data in the system, including
17 compliance with the federal Family Education Rights and
18 Privacy Act, confidentiality, and other applicable state and
19 federal laws.

20 (d) The advisory board shall meet at least
21 semiannually and at other times upon the call of a co-chair.
22 Half of the members of the advisory board shall constitute a
23 quorum for the transaction of business. The act of a majority
24 of the members of the advisory board present at any meeting at
25 which there is a quorum shall be an act of the advisory board.
26 Members of the advisory board may participate in any meeting
27 of the board by means of a telephone conference, video

1 conference, or similar communications equipment provided that
2 all persons participating at the meeting are able to hear one
3 another at the same time, and participation by such means
4 shall constitute presence in person at a meeting.

5 (e) The advisory board may instruct the office to
6 form committees, work groups, and advisory councils to
7 accomplish its duties and functions as necessary.

8 (f) The advisory board shall report to the Governor
9 and the Legislature annually on or before January 31. The
10 annual report shall include all of the following:

11 (1) An update on the progress of the system and the
12 activities of the office.

13 (2) A list of data initiatives begun or being
14 planned, including a list of all studies performed by or on
15 behalf of the office during the reporting period.

16 (3) A list of currently warehoused data with clear
17 descriptions of the data in plain English.

18 (4) Proposed or planned expansion of the data
19 maintained in the system.

20 (5) Recommendations of the office.

21 Section 5. (a) To the extent permitted by law, the
22 advisory board, in consultation with the office, shall
23 identify entities required to certify and provide accurate
24 educational and workforce training data to the office for
25 inclusion in the system and shall determine what type of
26 educational and workforce data shall be provided by those

1 entities. The entities shall include, but not be limited to,
2 all of the following:

3 (1) The Alabama Department of Early Childhood
4 Education.

5 (2) The State Department of Education.

6 (3) The Alabama Community College System.

7 (4) The public and independent four-year
8 institutions of higher education in the state.

9 (5) The Alabama Commission on Higher Education.

10 (6) The Alabama Department of Labor.

11 (7) The Alabama Department of Veterans' Affairs.

12 (8) The Alabama Industrial Development and Training
13 Institute.

14 (9) The Alabama Department of Commerce, Workforce
15 Development Division.

16 (10) The Regional Workforce Development Councils of
17 Alabama.

18 (b) The office, upon approval of the advisory board
19 and to the extent not prohibited by law, may request
20 educational data and workforce data from any additional public
21 agency or entity.

22 (c) The Alabama Commission on Higher Education shall
23 be responsible for reporting all data requested of colleges
24 and universities to the office. Any private or independent
25 institution of higher education, private school, or parochial
26 school, upon approval of the advisory board, may choose to
27 participate in the system and shall certify and provide

1 accurate data to the office. Any entity submitting educational
2 or workforce data to the system shall cooperate with the
3 office in the submission of the data, adhere to deadlines, and
4 shall certify that the data provided to the system is
5 accurate.

6 Section 6. (a) To the extent permitted by law, the
7 advisory board, in consultation with the office, shall develop
8 a statewide governance plan for the system regarding the use,
9 privacy, and security of data consistent with state and
10 federal law, including the federal Family Education Rights and
11 Privacy Act. The chief policy officer and advisory board shall
12 review the governance plan at least annually and shall make
13 any necessary revisions. The governance plan shall include all
14 of the following:

15 (1) Procedures for data collection, use, storage,
16 retention, destruction, and protection, requiring collection
17 of limited and appropriate data and prohibiting selling or
18 using the data from the system.

19 (2) The process by which qualified researchers may
20 propose studies of deidentified information for approval by
21 the office.

22 (3) A process for inventorying data collected, with
23 clear descriptions in plain English.

24 (4) Strategies for promoting transparency and public
25 knowledge.

26 (5) A security plan, including training and
27 procedures, with administrative, physical, and technical

1 safeguards, internal accountability processes, periodic
2 privacy and security audits, reviews and risk assessments, and
3 security clearance requirements for individuals with access to
4 personally identifiable information.

5 (6) Penalties for violations of the governance plan,
6 including possible suspensions and terminations for employees
7 and contractors of the office.

8 (7) Prohibitions against the use of data for
9 noneducational and nonworkforce related purposes.

10 (8) A record keeping plan.

11 (9) Access and use requirements for third party
12 vendors and contractors.

13 (b) The level of access to information in the system
14 shall be restricted in the governance plan as follows:

15 (1) Direct access to personally identifying
16 information in the system shall be restricted to staff and
17 authorized representatives of the office. Information that has
18 not been deidentified may not be reported or disclosed in any
19 form by the office. Information is not considered deidentified
20 if an individual is reasonably identifiable based on the size
21 or uniqueness of the population under consideration.

22 (2) Deidentified information may be used in analyses
23 and research activities by the office and qualified third
24 parties who satisfy qualifications and criteria established in
25 the governance plan.

26 (3) Aggregated data may be released to the general
27 public in reports and in response to data requests.

1 (c) Any provision of this act to the contrary
2 notwithstanding, the office may not release information that
3 may not be disclosed under the federal Family Education Rights
4 and Privacy Act or any other applicable state or federal
5 privacy law or policy.

6 (d) The governance plan shall apply to all third
7 party vendors and contractors who are given physical or
8 electronic access to the system and shall be incorporated in
9 all applicable contract documents.

10 (e) The governance plan shall be published on the
11 Internet and made available to the public.

12 Section 7. (a) The Alabama Office of Education and
13 Workforce Statistics shall adopt rules for the implementation
14 and administration of this act.

15 (b) With regard to rules protecting the privacy and
16 confidentiality of educational and workforce data, the office,
17 at a minimum, shall adopt rules that address all of the
18 following:

19 (1) Prohibitions against publishing educational and
20 workforce data other than aggregate data or deidentified data
21 in public reports.

22 (2) Consistent with applicable law, criteria for the
23 approval of research and data requests from state and local
24 agencies and the Legislature.

25 (3) Prohibitions against the transfer of educational
26 or workforce data to any federal, state, or local agency or

1 nongovernmental organization, except for certain necessary
2 disclosures as determined by the advisory board.

3 (4) Development of a detailed data security plan for
4 the system that includes guidelines for authorizing access to
5 the system and to educational and workforce data, including
6 guidelines for authentication of authorized access.

7 (5) Plans for responding to security breaches,
8 including notifications, remediations, and related procedures.

9 Section 8. Any education entity that receives state
10 funds shall comply with this act.

11 Section 9. Any person who knowingly releases data
12 collected pursuant to this act to any other person not
13 authorized to lawfully receive the data shall be guilty of a
14 Class C felony.

15 Section 10. This act supersedes and takes precedence
16 over any other provision of law that may conflict or be
17 inconsistent with this act, and this act shall operate and be
18 construed without regard to the conflict or inconsistency.

19 Section 11. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621 because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

25 Section 12. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

