

1 HB125
2 174108-3
3 By Representatives Collins and Baker
4 RFD: Education Policy
5 First Read: 03-FEB-16

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

5 (3) EDUCATIONAL DATA. Data relating to student
6 performance.

7 a. The term includes all of the following:

8 1. Student performance on state and national
9 assessments, including, but not limited to, any of the
10 following:

11 (i) Course taking and completion.

12 (ii) Grade point average.

13 (iii) Remediation.

14 (iv) Retention.

15 (v) Degree, diploma, certificate, or credential
16 attainment.

17 (vi) Enrollment.

18 (vii) Demographic data.

19 b. The term shall not include any of the following:

20 1. Juvenile delinquency records.

21 2. Criminal and juvenile records.

22 3. Medical and health records.

23 4. Discipline records.

24 (4) OFFICE. The Alabama Office of Education and
25 Workforce Statistics.

26 (5) SYSTEM. The Alabama Longitudinal Data System.

1 (6) WORKFORCE DATA. Data relating to all of the
2 following:

- 3 a. Employment status.
- 4 b. Wage information.
- 5 c. Geographic location of employment.
- 6 d. Employer information.
- 7 e. Field of employment.

8 (b) (1) The Alabama Longitudinal Data System is a
9 statewide data system created to match information about
10 students from early learning through postsecondary education
11 and into employment. The purpose of the system includes the
12 generation of timely and accurate information about
13 deidentified student performance that can be used to enhance
14 the education system of the state and guide decision makers at
15 all levels, to further facilitate the enhancement of college
16 and career ready students through the linkage of educational
17 data and workforce data.

18 (2) All student information collected from
19 participating education and workforce authorities shall be
20 collected in accordance with state law and be protected,
21 safeguarded, kept confidential, and used only by appropriate
22 educational and workforce authorities in order to serve the
23 best interests of students in accordance with state and
24 federal law.

25 (3) Each providing educational and workforce
26 authority shall retain ownership of all of its data shared for
27 collaboration in the Alabama Longitudinal Data System.

1 (c) (1) There is established the Alabama Office of
2 Education and Workforce Statistics, to be a separate division
3 under the Department of Labor and to be headed by a Chief
4 Policy Officer who will be appointed by the Governor from a
5 list of nominations made by the advisory board of the office.
6 The office may employ additional staff as necessary to carry
7 out the functions of the office, contingent upon funding. The
8 office may enter into contracts or other agreements with
9 appropriate entities to the extent necessary to carry out the
10 duties and responsibilities of the office and shall pursue all
11 available funding for the development and maintenance of the
12 system, including federal grant funding.

13 (2) For the limited purpose of accessing and
14 compiling educational data for research purposes, the office
15 shall be considered an authorized representative of the State
16 Department of Education under applicable federal and state
17 laws.

18 (3) The duties of the office shall include all of
19 the following:

20 a. Development and implementation of the system in
21 coordination with the advisory board.

22 b. Service as the collecting repository of
23 educational data and workforce data in the Alabama
24 Longitudinal Data System, including data sets provided by
25 entities identified by the office and advisory board.

1 c. Oversight and maintenance of the system,
2 including processes for collecting, managing, and reporting
3 data.

4 d. Development of deidentification standards and
5 processes using modern statistical methods.

6 e. Identification of critical policy questions to
7 improve education and workforce outcomes at all levels.

8 f. Linkage of educational and workforce data
9 accountable for data quality and integrity.

10 g. Protection and the maintenance of confidentiality
11 of collected educational data, including compliance with the
12 federal Family Education Rights and Privacy Act (FERPA), and
13 all other relevant state and federal privacy laws, and all
14 relevant state cyber security policies, including rules and
15 policies establish by the advisory board that are not in
16 conflict with existing state or federal laws or rules or
17 regulations.

18 h. Evaluation of public education and workforce
19 development programs at all levels.

20 i. Support of research studies designed to improve
21 instruction or to develop assessments for, or on behalf of,
22 all providers.

23 (4) The system shall report to the Governor and the
24 Legislature regarding the data collected and resource library
25 created by August 30, 2016, and shall be fully operational by
26 May 30, 2017.

1 (d) (1) The advisory board of the office is hereby
2 established and shall consist of the following members:

3 a. The Commissioner of Labor, who shall serve as
4 co-chair of the advisory board.

5 b. The Secretary of Information Technology, who
6 shall serve as the co-chair of the advisory board.

7 c. The Governor's Education Policy Advisor.

8 d. The Chair of the Senate Education Budget
9 Committee.

10 e. The Chair of the House Education Budget
11 Committee.

12 f. A representative of the State Board of Education,
13 who shall be appointed by the Governor to serve no more than
14 two consecutive three-year terms.

15 g. The State Superintendent of Education, or his or
16 her designee.

17 h. A representative of the Alabama Community College
18 System Board of Trustees, who shall be appointed by the
19 Governor to serve no more than two consecutive three-year
20 terms.

21 i. The Chancellor of the Alabama Community College
22 System, or his or her designee.

23 j. The chief academic officer at the University of
24 Alabama System, or his or her designee.

25 k. The chief academic officer at Auburn University,
26 or his or her designee.

1 l. The chief academic officer at the University of
2 South Alabama, or his or her designee.

3 m. The chief academic officer at a state public
4 historically black college or university, or his or her
5 designee, to be nominated by the Governor.

6 n. The chief academic officer at a state public
7 regional university, or his or her designee, to be nominated
8 by the Governor.

9 o. The President of the Alabama Association of
10 Independent Colleges and Universities, or his or her designee.

11 p. The Chair of the Alabama Commission on Higher
12 Education, or his or her designee.

13 q. The Secretary of the Department of Early
14 Childhood Education, or his or her designee.

15 r. The Secretary of Commerce, or his or her
16 designee.

17 s. The State Service Commissioner of the State
18 Department of Veterans Affairs, or his or her designee.

19 t. The Executive Director of the Economic
20 Development Association of Alabama, or his or her designee.

21 u. The Chair of the Alabama Workforce Council, or
22 his or her designee.

23 v. One information technology expert representing
24 private industry with expertise in large data systems and data
25 security, who shall be appointed by the Governor to serve no
26 more than two consecutive three-year terms.

1 w. One representative of the local school system
2 superintendents in this state, who shall be appointed by the
3 Governor to serve no more than two consecutive three-year
4 terms.

5 x. One representative of the public, who shall be
6 appointed by the Governor to serve no more than one three-year
7 term.

8 (2) All members of the advisory board shall serve at
9 the pleasure of the appointing authority and shall reflect the
10 racial, gender, geographic, urban and rural, and economic
11 diversity of the state. Members of the advisory board shall
12 not receive any compensation or expense reimbursement for
13 serving on the advisory board.

14 (3) The duties of the advisory board shall include
15 all of the following:

16 a. To oversee the development of a detailed data
17 governance policy for the data system before the
18 implementation of the system and to conduct an annual review
19 of the policy.

20 b. To establish the research goals of the office.

21 c. To advise the office regarding matters relating
22 to the operation and maintenance of the system as necessary.

23 d. To advise the office regarding the safeguarding
24 and protection of the collected educational data in the
25 system, including compliance with the Family Education Rights
26 and Privacy Act (FERPA), and other applicable state and
27 federal laws.

1 (4) The advisory board shall meet semiannually and
2 at other times upon the call of the chair. One-half of the
3 members of the advisory board shall constitute a quorum for
4 the transaction of business. Members of the advisory board may
5 participate in any meeting of the board by means of a
6 conference telephone, video conference, or similar
7 communications equipment provided that all persons
8 participating at the meeting can hear one another at the same
9 time, and participation by such means shall constitute
10 presence in person at a meeting.

11 (5) The advisory board may form committees, work
12 groups, and advisory councils as necessary.

13 (6) On January 15 of each year, the advisory board
14 shall submit a report to the Governor and the Legislature
15 summarizing the outcomes of the Alabama Longitudinal Data
16 System for the year and the results of the usage of the
17 system.

18 (e) To the extent permitted by law, the office, in
19 consultation with the advisory board, shall do both of the
20 following:

21 (1) Identify entities required to provide accurate
22 educational and workforce data to the office for inclusion in
23 the system. In addition to other entities identified by the
24 office, the Department of Early Childhood Education and the
25 State Department of Education shall be required to provide
26 accurate data to the office. The Alabama Commission on Higher
27 Education shall be responsible for reporting all data

1 requested of colleges and universities to the office. Any
2 private institutions of higher learning, private schools, or
3 parochial schools choosing to participate in the system shall
4 provide accurate data to the office. An entity required by the
5 office to submit accurate educational and workforce data to
6 the system shall cooperate with the office in the submission
7 of the data.

8 (2) Determine what type of educational and workforce
9 data is required to be provided by entities identified
10 pursuant to this subsection.

11 (f) (1) The Chief Policy Officer, in consultation
12 with the board, shall develop statewide governance policies
13 regarding the use, privacy, and security of data consistent
14 with state and federal law and applicable rules and
15 regulations, including the Family Education Rights and Privacy
16 Act (FERPA) and other federal and state privacy laws.

17 (2) The policies adopted under this subsection shall
18 ensure that direct access to personally identifying
19 information in the system is restricted to staff and
20 authorized representatives of the office. Information that has
21 not been deidentified may not be reported or disclosed in any
22 form by the office. Information is not considered to be
23 deidentified if an individual is reasonably identifiable based
24 on the size or uniqueness of the population under
25 consideration.

26 (3) Notwithstanding anything in this act to the
27 contrary, the office may not release information or data that

1 may not be disclosed under the Family Education Rights and
2 Privacy Act (FERPA), or any other applicable state or federal
3 law protecting the privacy or confidentiality of the
4 information.

5 Section 2. (a) The Alabama Office of Education and
6 Workforce Statistics shall adopt rules for the implementation
7 and administration of this act.

8 (b) With regard to rules protecting the privacy and
9 confidentiality of educational and workforce data, at a
10 minimum, the office shall adopt rules addressing the
11 following:

12 (1) Restrictions on granting access to educational
13 and workforce data in the system.

14 (2) Prohibitions against publishing educational and
15 workforce data other than aggregate data or deidentified data
16 in public reports.

17 (3) Consistent with applicable law, criteria for the
18 approval of research and data requests from state and local
19 agencies and the Legislature.

20 (4) Prohibitions against the transfer of educational
21 or workforce data to any federal, state, or local agency or
22 nongovernmental organization, except for certain necessary
23 disclosures determined by the office.

24 (5) Development of a detailed data security plan for
25 the system that includes guidelines for authorizing access to
26 the system and to educational and workforce data, including
27 guidelines for authentication of authorized access.

1 (6) Implementation of privacy and security audits.

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

4 (8) Data retention and disposal policies.

5 (9) Data security training and policies, including
6 technical, physical, and administrative safeguards.

7 Section 3. By December 31, 2016, the State Board of
8 Education, the Board of Trustees of the Alabama Community
9 College System, and the Alabama Commission on Higher
10 Education, by rule, shall jointly define remediation and the
11 process of remediation to be utilized.

12 Section 4. Any entity receiving state funds will be
13 required to comply with this act.

14 Section 5. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Education Policy
..... 03-FEB-16

Read for the second time and placed
on the calendar with 1 substitute
and..... 17-FEB-16

Read for the third time and passed
as amended..... 25-FEB-16

Yeas 70, Nays 28, Abstains 0

Jeff Woodard
Clerk