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

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

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

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

This bill would also provide for a research agenda to include all of the following: Assessing
the availability of skilled workforce to address
current and future demands of business and
industry; providing information to improve the
effectiveness of educational programs and
educational outcomes; providing information to
improve the effectiveness of workforce training and
workforce outcomes; providing timely and actionable
information to students and parents to aid in
career path decisions; and providing information
regarding return on investment of education and
workforce programs.

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

The purpose or effect of this bill would be
to require a new or increased expenditure of local
funds within the meaning of the amendment. However,
the bill does not require approval of a local
governmental entity or enactment by a 2/3 vote to
become effective because it comes within one of the
specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

Relating to education and workforce; to establish
the Alabama Network of Statewide Workforce and
Education-Related Statistics (ANSWERS) system, utilizing
existing data assets to provide education and workforce
training for Alabama residents; to establish and provide for
the duties, funding, security, and operational procedures of
the Alabama Office of Education and Workforce Statistics to
develop, operate, and maintain the system; to provide for the
protection and safeguarding of confidential education and
workforce information on individuals; to provide for an
advisory board to the office; to provide for the adoption of a
statewide governance plan; and in connection therewith to have
as its purpose or effect the requirement of a new or increased
expenditure of local funds within the meaning of Amendment 621
of the Constitution of Alabama of 1901, now appearing as
Section 111.05 of the Official Recompilation of the
Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. For the purposes of this act, the following terms shall have the following meanings:

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

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

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

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

   1. Courses taken and completion.
   2. Grade point average.
   3. Remediation.
   4. Retention.
   5. Degree, diploma, certificate, or credential attainment.
   7. Demographic data.

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

   1. Juvenile delinquency records.
   2. Criminal and juvenile records.
   3. Medical and health records.
   4. Discipline records.
(4) OFFICE. The Alabama Office of Education and Workforce Statistics.

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

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

a. Employment status.

b. Wage information.

c. Geographic location of employment.

d. Industry of employment.

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

a. Dislocated worker programs.

b. Youth training programs.

c. Adult education programs.

d. Career technical education data.

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

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

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

(1) Leverage the strengths of education and industry to improve educational outcomes and to promote workforce and
 economic development by providing the capability to look at educational outcomes and workforce outcomes across entities and over time.

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

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

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

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

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

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

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

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

(c) All information collected from participating education and workforce authorities shall be collected in
accordance with state and federal law and be protected, safeguarded, kept confidential, and used only by appropriate educational and workforce authorities in order to serve the best interests of participants in accordance with state and federal law.

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

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

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

a. State appropriations.

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

c. Federal grant funding.

d. User fees.

e. Any other grants or contributions from public or private entities received by the office.
(2) For the limited purpose of accessing and compiling educational data for research purposes, the office shall be considered an authorized representative of the State Department of Education under applicable federal and state laws.

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

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

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

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

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

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

   f. Protect and maintain the confidentiality of collected data, including compliance with the federal Family Education Rights and Privacy Act 20 U.S.C. § 1232g., all other relevant state and federal privacy and confidentiality laws, and all relevant state cyber security policies, including rules and policies established by the advisory board that are
not in conflict with existing state or federal laws, rules, or regulations.

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

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

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

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

k. Ensure adherence to data security and privacy policies.

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

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

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

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

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

(3) The education policy advisor to the Governor.
(4) The Chair of the Senate Finance and Taxation Education Committee, or his or her designee.

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

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

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

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

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

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

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

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

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

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

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

(16) The Executive Director of the Economic Development Association of Alabama, or his or her designee.
(17) The Chair of the Alabama Workforce Council, or his or her designee.

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

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

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

c. A representative of the State Board of Education.

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

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

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

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

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

(b) All members of the advisory board shall serve at the pleasure of the appointing authority. The appointing authorities shall coordinate their appointments to assure the membership of the advisory board is inclusive and reflects the racial, gender, geographic, urban, rural, and economic
diversity of the state. Members of the advisory board may not receive any compensation or reimbursement for serving on the advisory board.

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

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

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

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

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

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

(d) The advisory board shall meet at least semiannually and at other times upon the call of a co-chair. Half of the members of the advisory board shall constitute a quorum for the transaction of business. The act of a majority of the members of the advisory board present at any meeting at which there is a quorum shall be an act of the advisory board. Members of the advisory board may participate in any meeting of the board by means of a telephone conference, video
conference, or similar communications equipment provided that all persons participating at the meeting are able to hear one another at the same time, and participation by such means shall constitute presence in person at a meeting.

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

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

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

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

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

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

(5) Recommendations of the office.

Section 5. (a) To the extent permitted by law, the advisory board, in consultation with the office, shall identify entities required to certify and provide accurate educational and workforce training data to the office for inclusion in the system and shall determine what type of educational and workforce data shall be provided by those
entities. The entities shall include, but not be limited to, all of the following:

(1) The Alabama Department of Early Childhood Education.

(2) The State Department of Education.

(3) The Alabama Community College System.

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

(5) The Alabama Commission on Higher Education.

(6) The Alabama Department of Labor.

(7) The Alabama Department of Veterans' Affairs.


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

(10) The Regional Workforce Development Councils of Alabama.

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

(c) The Alabama Commission on Higher Education shall be responsible for reporting all data requested of colleges and universities to the office. Any private or independent institution of higher education, private school, or parochial school, upon approval of the advisory board, may choose to participate in the system and shall certify and provide
accurate data to the office. Any entity submitting educational or workforce data to the system shall cooperate with the office in the submission of the data, adhere to deadlines, and shall certify that the data provided to the system is accurate.

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

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

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

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

(4) Strategies for promoting transparency and public knowledge.

(5) A security plan, including training and procedures, with administrative, physical, and technical
safeguards, internal accountability processes, periodic
privacy and security audits, reviews and risk assessments, and
security clearance requirements for individuals with access to
personally identifiable information.

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

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

(8) A record keeping plan.

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

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

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

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

(3) Aggregated data may be released to the general public in reports and in response to data requests.
(c) Any provision of this act to the contrary notwithstanding, the office may not release information that may not be disclosed under the federal Family Education Rights and Privacy Act or any other applicable state or federal privacy law or policy.

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

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

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

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

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

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

(3) Prohibitions against the transfer of educational or workforce data to any federal, state, or local agency or
nongovernmental organization, except for certain necessary
disclosures as determined by the advisory board.

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

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

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

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

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

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

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