

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

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ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

Relating to public education; to create the Alabama Longitudinal Data System to provide for the matching of information about students from early learning through postsecondary education and into employment; to create the Alabama Office of Education and Workforce Statistics to develop, operate, and maintain the system; to provide for the protection and safeguarding of confidential student and workforce information; to create an advisory board to the Alabama Office of Education and Workforce Statistics; to provide for the adoption of statewide governance policies; to require the State Board of Education, the Board of Trustees of the Alabama Community College System, and the Alabama Commission on Higher Education to define remediation and the process of remediation to be utilized.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms shall have the following meanings:

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

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