

1 HB125
2 173029-4
3 By Representatives Collins and Baker
4 RFD: Education Policy
5 First Read: 03-FEB-16

2
3
4
5
6
7
8 SYNOPSIS: This bill would create the Alabama
9 Longitudinal Data System to be developed, operated,
10 and maintained by the Alabama Office of Education
11 and Workforce Statistics created within the
12 Department of Labor.

13 This bill would provide for the operation of
14 the system to match information about students from
15 early learning through postsecondary education and
16 into employment. The purpose of the system includes
17 the generation of timely and accurate information
18 about curriculum performance that can be used to
19 improve the education system of the state and guide
20 decision makers at all levels, to facilitate the
21 enhancement of college and career ready students
22 through the performance data and workforce data.

23 This bill would provide for the protection
24 and safeguard of identifying confidential student
25 and workforce information.

26 This bill would create an advisory board to
27 the Office of Education and Workforce Statistics to

1 oversee the development and operation of the system
2 and to establish the research agenda of the office.

3 This bill would also require the State Board
4 of Education, the Board of Trustees of the Alabama
5 Community College System, and the Alabama
6 Commission on Higher Education to define
7 remediation and the process of remediation to be
8 utilized when deficiencies are identified in
9 science, technology, engineering, and mathematics
10 through use of the system.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to public education; to create the Alabama
17 Longitudinal Data System to provide for the matching of
18 information about students from early learning through
19 postsecondary education and into employment; to create the
20 Alabama Office of Education and Workforce Statistics to
21 develop, operate, and maintain the system; to provide for the
22 protection and safeguarding of confidential student and
23 workforce information; to create an advisory board to the
24 Alabama Office of Education and Workforce Statistics; to
25 provide for the adoption of statewide governance policies; to
26 require the State Board of Education, the Board of Trustees of
27 the Alabama Community College System, and the Alabama

1 Commission on Higher Education to define remediation and the
2 process of remediation to be utilized when deficiencies are
3 identified in science, technology, engineering, and
4 mathematics through use of the system; and to provide
5 rulemaking authority.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

15 (3) OFFICE. The Alabama Office of Education and
16 Workforce Statistics.

17 (4) PERFORMANCE DATA. Data relating to student
18 performance.

19 a. The term includes all of the following:

20 1. Student performance on state and national
21 assessments, and may include, but is not limited to, any of
22 the following:

23 (i) Course taking and completion.

24 (ii) Grade point average.

25 (iii) Remediation.

26 (iv) Retention.

1 (v) Degree, diploma, certificate, or credential
2 attainment.

3 (vi) Enrollment.

4 (vii) Demographic data.

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

6 1. Juvenile delinquency records.

7 2. Criminal and juvenile records.

8 3. Medical and health records.

9 4. Discipline records.

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

11 (6) WORKFORCE DATA. Data relating to all of the
12 following:

13 a. Employment status.

14 b. Wage information.

15 c. Geographic location of employment.

16 d. Employer information.

17 e. Field of employment.

18 (b) (1) The Alabama Longitudinal Data System is a
19 statewide data system created to match information about
20 students from early learning through postsecondary education
21 and into employment. The purpose of the system includes the
22 generation of timely and accurate information about
23 deidentified student performance that can be used to enhance
24 the education system of the state and guide decision makers at
25 all levels, to further facilitate the enhancement of college
26 and career ready students through the linkage of performance
27 data and workforce data.

1 (2) All student information collected from
2 participating education and workforce authorities shall be
3 protected, safeguarded, kept confidential, and used only by
4 appropriate educational and workforce authorities in order to
5 serve the best interests of students in accordance with state
6 and federal law.

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

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

22 (2) For the limited purpose of accessing and
23 compiling performance data for research purposes, the office
24 shall be considered an authorized representative of the State
25 Department of Education under applicable federal and state
26 laws.

1 (3) The duties of the office shall include all of
2 the following:

3 a. Development and implementation of the system in
4 coordination with the advisory board.

5 b. Service as the collecting repository of
6 performance data and workforce data in the Alabama
7 Longitudinal Data System, including data sets provided by
8 entities identified by the office and advisory board.

9 c. Oversight and maintenance of the system,
10 including processes for collecting, managing, and reporting
11 data.

12 d. Development of deidentification standards and
13 processes using modern statistical methods.

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

16 f. Linkage of performance and workforce data
17 accountable for data quality and integrity.

18 g. Protection and the maintenance of confidentiality
19 of collected performance data, including compliance with the
20 federal Family Education Rights and Privacy Act (FERPA), and
21 all other relevant state and federal privacy laws, including
22 rules and policies establish by the advisory board that are
23 not in conflict with existing state or federal laws or rules
24 or regulations.

25 h. Evaluation of public education and workforce
26 development programs at all levels.

1 i. Support of research studies designed to improve
2 instruction or to develop assessments for, or on behalf of,
3 all providers.

4 (4) The system shall be fully operational by August
5 30, 2016.

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

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

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

12 c. The Governor's Education Policy Advisor.

13 d. The Chair of the Senate Education Budget
14 Committee.

15 e. The Chair of the House Education Budget
16 Committee.

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

20 g. The State Superintendent of Education, or his or
21 her designee.

22 h. A representative of the Alabama Community College
23 System Board of Trustees, who shall be appointed by the
24 Governor to serve no more than two consecutive three-year
25 terms.

26 i. The Chancellor of the Alabama Community College
27 System, or his or her designee.

1 j. The President of the Alabama Council of College
2 and University Faculty Presidents, or his or her designee.

3 k. The President of the Alabama Association of
4 Independent Colleges and Universities, or his or her designee.

5 l. The Chair of the Alabama Commission on Higher
6 Education, or his or her designee.

7 m. The Secretary of the Department of Early
8 Childhood Education, or his or her designee.

9 n. The Secretary of Commerce, or his or her
10 designee.

11 o. The State Service Commissioner of the State
12 Department of Veterans Affairs, or his or her designee.

13 p. The Executive Director of the Economic
14 Development Association of Alabama, or his or her designee.

15 q. The Chair of the Alabama Workforce Council, or
16 his or her designee.

17 r. One information technology expert representing
18 private industry with expertise in large data systems and data
19 security, who shall be appointed by the Governor to serve no
20 more than two consecutive three-year terms.

21 s. One representative of the local school system
22 superintendents in this state, who shall be appointed by the
23 Governor to serve no more than two consecutive three-year
24 terms.

25 t. One representative of the public, who shall be
26 appointed by the Governor to serve no more than one three-year
27 term.

1 (2) All members of the advisory board shall serve at
2 the pleasure of the appointing authority and shall reflect the
3 racial, gender, geographic, urban and rural, and economic
4 diversity of the state. Members of the advisory board shall
5 not receive any compensation or expense reimbursement for
6 serving on the advisory board.

7 (3) The duties of the advisory board shall include
8 all of the following:

9 a. To oversee the development of a detailed data
10 governance policy for the data system before the
11 implementation of the system and to conduct an annual review
12 of the policy.

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

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

16 d. To advise the office regarding the safeguarding
17 and protection of the collected performance data in the
18 system, including compliance with the Family Education Rights
19 and Privacy Act (FERPA), and other applicable state and
20 federal laws.

21 (4) The advisory board shall meet semiannually and
22 at other times upon the call of the chair. One-half of the
23 members of the advisory board shall constitute a quorum for
24 the transaction of business. Members of the advisory board may
25 participate in any meeting of the board by means of a
26 conference telephone, video conference, or similar
27 communications equipment provided that all persons

1 participating at the meeting can hear one another at the same
2 time, and participation by such means shall constitute
3 presence in person at a meeting.

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

6 (6) On January 15 of each year, the advisory board
7 shall submit a report to the Governor and the Legislature
8 summarizing the outcome of the Alabama Longitudinal Data
9 System for the year and the results of the usage of the
10 system.

11 (e) To the extent permitted by law, the office, in
12 consultation with the advisory board, shall do both of the
13 following:

14 (1) Identify entities required to provide accurate
15 performance and workforce data to the office for inclusion in
16 the system. In addition to other entities identified by the
17 office, the state's two-year and four-year public and
18 independent colleges and universities shall be required to
19 provide accurate data to the office. Any private institutions
20 of higher learning, private schools, or parochial schools
21 choosing to participate in the system shall provide accurate
22 data to the office. An entity required by the office to submit
23 accurate performance and workforce data to the system shall
24 cooperate with the office in the submission of the data.

25 (2) Determine what type of performance and workforce
26 data is required to be provided by entities identified
27 pursuant to this subsection.

1 (f) (1) The Chief Policy Officer, in consultation
2 with the board, shall develop statewide governance policies
3 regarding the use, privacy, and security of data consistent
4 with state and federal law and applicable rules and
5 regulations, including the Family Education Rights and Privacy
6 Act (FERPA) and other federal and state privacy laws.

7 (2) The policies adopted under this subsection shall
8 ensure that direct access to personally identifying
9 information in the system is restricted to staff and
10 authorized representatives of the office. Information that has
11 not been deidentified may not be reported or disclosed in any
12 form by the office. Information is not considered to be
13 deidentified if an individual is reasonably identifiable based
14 on the size or uniqueness of the population under
15 consideration.

16 (3) Notwithstanding anything in this act to the
17 contrary, the office may not release information or data that
18 may not be disclosed under the Family Education Rights and
19 Privacy Act (FERPA), or any other applicable state or federal
20 law protecting the privacy or confidentiality of the
21 information.

22 Section 2. (a) The Alabama Office of Education and
23 Workforce Statistics shall adopt rules for the implementation
24 and administration of this act.

25 (b) With regard to rules protecting the privacy and
26 confidentiality of performance and workforce data, at a

1 minimum, the office shall adopt rules addressing the
2 following:

3 (1) Restrictions on granting access to performance
4 and workforce data in the system.

5 (2) Prohibitions against publishing performance and
6 workforce data other than aggregate data or deidentified data
7 in public reports.

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

11 (4) Prohibitions against the transfer of performance
12 or workforce data to any federal, state, or local agency or
13 nongovernmental organization, except for certain necessary
14 disclosures determined by the office.

15 (5) Development of a detailed data security plan for
16 the system that includes guidelines for authorizing access to
17 the system and to performance and workforce data, including
18 guidelines for authentication of authorized access.

19 (6) Implementation of privacy and security audits.

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

22 (8) Data retention and disposal policies.

23 (9) Data security training and policies, including
24 technical, physical, and administrative safeguards.

25 Section 3. By December 31, 2016, the State Board of
26 Education, the Board of Trustees of the Alabama Community
27 College System, and the Alabama Commission on Higher

1 Education, by rule, shall jointly define remediation and the
2 process of remediation to be utilized.

3 Section 4. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.