

HB109 ENROLLED



1 KMTJUA-2

2 By Representatives Collins, Baker, Shaver, Colvin, Lamb, Wood

3 (D), Hill, Estes, Stadthagen, Gidley, Butler, Wilcox, Moore

4 (P), Hurst, Rigsby, Givens, Faulkner, Brown, DuBose, Pettus,

5 Paschal

6 RFD: Education Policy

7 First Read: 07-Mar-23

8 2023 Regular Session



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1 Enrolled, An Act,

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5 Relating to credentials and the workforce; to create
6 the Alabama Credential Quality and Transparency Act as a new
7 Division 9, commencing with Section 41-29-350, Article 3,
8 Chapter 29, Title 41, Code of Alabama 1975; to create the
9 Alabama Terminal on Linking and Analyzing Statistics on
10 Career Pathways Act as a new Division 10, commencing with
11 Section 41-29-360, Article 3, Chapter 29, Title 41, Code of
12 Alabama 1975; and to establish the Alabama College and Career
13 Readiness Act by adding Section 41-29-298 to the Code of
14 Alabama 1975; to provide for the creation of a free,
15 searchable public online registry of educational and
16 occupational credentials; to restrict the release of
17 personally identifiable information; to provide procedures
18 for handling data breaches; to establish a statewide
19 definition of college and career readiness; and in connection
20 therewith would have as its purpose or effect the requirement
21 of a new or increased expenditure of local funds within the
22 meaning of Section 111.05 of the Constitution of Alabama of
23 2022.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Division 9, commencing with Section
26 41-29-350, is added to Article 3, Chapter 29, Title 41 of the
27 Code of Alabama 1975, to read as follows:

28 §41-29-350



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29 This division shall be known and may be cited as the
30 Alabama Credential Quality and Transparency Act.

31 §41-29-351

32 For the purposes of this division, the following terms
33 shall have the following meanings:

34 (1) COMMITTEE. The Alabama Workforce Council Committee
35 on Credential Quality and Transparency.

36 (2) COMPETENCY. Measurable or observable knowledge,
37 skills, and abilities.

38 (3) CREDENTIAL. A qualification, achievement, or
39 recognition of competence.

40 (4) REGISTRY. The Alabama Credential Registry, which
41 is a virtual repository of state competency and credential
42 data.

43 (5) TRANSPARENCY. The availability of deidentified
44 data about credentials as linked, open, and interoperable
45 data aligned with widely recognized standards.

46 §41-29-352

47 (a) The committee shall advise the Alabama Committee
48 on Credentialing and Career Pathways on making credential and
49 competency data, collected through the registry created by
50 this division, publicly available.

51 (b) The appointing authorities shall coordinate their
52 appointments to assure the committee membership is inclusive
53 and reflects the racial, gender, geographic, urban, rural,
54 and economic diversity of the state. The committee shall be
55 composed of the following members:

56 (1) One representative from each of the technical



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57 advisory committees of the Alabama Committee on Credentialing
58 and Career Pathways.

59 (2) The Governor, or his or her designee, who shall
60 chair the committee.

61 (3) The Secretary of the Department of Early Childhood
62 Education, or his or her designee.

63 (4) The State Superintendent of Education, or his or
64 her designee.

65 (5) The Executive Director of the Alabama Commission
66 on Higher Education, or his or her designee.

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

69 (7) The Secretary of the Department of Commerce, or
70 his or her designee.

71 (8) The Secretary of Labor, or his or her designee.

72 (9) The Commissioner of the Department of
73 Rehabilitation Services, or his or her designee.

74 (c) On or before June 30, 2024, and each June 30
75 thereafter, the committee shall develop a list of credentials
76 that are aligned to the in-demand occupations for each
77 industry operating in the state by using the system for
78 evaluating credentials provided by the Alabama Committee on
79 Credentialing and Career Pathways.

80 §41-29-353

81 All data published to the registry shall be available
82 to the public and shall be deidentified. Credential data
83 shall be linked, open, interoperable, aligned with widely
84 recognized standards, and all allow for open access across



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85 sectors and platforms.

86 §41-29-354

87 The committee shall adopt rules as necessary to
88 implement and administer this division pursuant to the
89 Alabama Administrative Procedure Act, Chapter 22 of Title 41.

90 Section 2. Division 10, commencing with Section
91 41-29-360, is added to Article 3, Chapter 29, Title 41 of the
92 Code of Alabama 1975, to read as follows:

93 §41-29-360

94 (a) This division shall be known and may be cited as
95 the Alabama Terminal on Linking and Analyzing Statistics on
96 Career Pathways Act.

97 (b) For the purposes of this division, the following
98 terms shall have the following meanings:

99 (1) COUNCIL. The P-20W Council.

100 (2) DEIDENTIFICATION. The process used to remove all
101 direct personal identifiers from individual level data.

102 (3) OFFICE. The Office of Education and Workforce
103 Statistics.

104 (4) STUDENT DATA.

105 a. Data relating to student performance including, but
106 not limited to, all of the following:

107 1. State and national assessments.

108 2. Course taking and completion.

109 3. Grade point average.

110 4. Remediation.

111 5. Retention.

112 6. Special population status as defined by the Alabama



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113 Workforce Innovation and Opportunity Act state plan.

114 7. Degree, diploma, or credential attainment.

115 8. Enrollment and absenteeism data.

116 9. Demographic data.

117 10. Suspension and expulsion records.

118 11. Student financial aid data.

119 b. Student data does not include any of the following:

120 1. Juvenile delinquency records.

121 2. Criminal records.

122 3. Medical and health records.

123 (5) SYSTEM. The Alabama Terminal on Linking and

124 Analyzing Statistics (ATLAS) on Career Pathways longitudinal

125 database system.

126 (6) WORKFORCE DATA. Data relating to, but not limited

127 to, any of the following:

128 a. Employment status.

129 b. Wage information.

130 c. Special population status as defined by the Alabama

131 Workforce Innovation and Opportunity Act state plan.

132 d. Geographic location of employment.

133 e. Industry or occupation, or both.

134 §41-29-361

135 The system is established as a secure system to

136 exchange, deidentify, and match individual level education

137 and workforce data from partner entities while upholding

138 legal protections to ensure privacy and security. The system

139 shall be used to provide policymakers with access to data

140 regarding the state talent development system, including



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141 early learning, education, workforce training, and employment
142 outcomes. The system makes it possible to match data from
143 various agencies and programs over time to create reports
144 that may then be aggregated and analyzed to assist policy
145 makers with developing strategies to improve education and
146 workforce outcomes. The system shall be configured in the
147 following manner:

148 (1) All information matched from partner entities
149 shall be collected, safeguarded, kept confidential, and used
150 only by the office in accordance with this division and other
151 state and federal law.

152 (2) Each partner entity shall retain ownership of any
153 data the partner entity provides to the system and shall
154 reserve the right to opt out of any research request if the
155 request would violate state or federal law. To that end, all
156 of the following shall apply:

157 a. A partner entity may not have access to data owned
158 by another partner entity unless a data request is approved
159 unanimously by the council.

160 b. Nothing in this division or council rule or policy
161 may prevent partner entities from engaging in direct data
162 sharing agreements with other partner entities or with
163 external entities, so long as the data to be shared is owned
164 by the contracting parties.

165 (3) The system shall conduct research related to the
166 research agenda adopted by the council.

167 §41-29-362

168 (a) The council is established to govern the system.



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169 (b) The appointing authorities shall coordinate their
170 appointments to assure the council membership is inclusive
171 and reflects the racial, gender, geographic, urban, rural,
172 and economic diversity of the state. The membership of the
173 council shall consist of all of the following:

174 (1) The Governor, or his or her designee, who shall
175 serve as chair of the council.

176 (2) Each partner entity head, or designee, who has
177 signed a memorandum of understanding to share data with the
178 system.

179 (3) The Chair of the House Ways and Means Education
180 Committee.

181 (4) The Chair of the Senate Finance and Taxation
182 Education Committee.

183 (5) The Chair of the Alabama Workforce Council.

184 (6) Up to four members of the public, who are
185 experienced in education and workforce data and statistics,
186 who shall be appointed by the Governor and serve at the
187 pleasure of the Governor.

188 (c) The council shall perform all of the following
189 duties:

190 (1) Develop a strategic plan.

191 (2) Oversee the development, adoption, and
192 implementation of rules to govern the proceedings of the
193 council, the office, and the system.

194 (3) Oversee compliance regarding the protection of
195 data shared with the system.

196 (4) Develop a data governance and security plan for



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197 the system regarding the use, privacy, and security of data
198 and publish the plan on the system website.

199 (5) Establish the research agenda for the system.

200 (6) Establish a process for proposing and approving
201 requests for reports using data matched in the system.

202 (7) Establish policies for sharing aggregated data or
203 reports with the public and external entities.

204 (8) Develop strategies for promoting the transparent
205 operation of the system.

206 (9) Form standing and ad hoc committees and working
207 groups from among its own membership to accomplish its
208 duties.

209 (10) Prepare and provide an annual report to the
210 Governor; Lieutenant Governor; Speaker of the House of
211 Representatives; President Pro Tempore of the Senate; Chairs
212 of the House Education Policy, Senate Education Policy, House
213 Ways and Means Education, and Senate Finance and Taxation
214 Education Committees; and the State Board of Education.

215 §41-29-363

216 (a) Except as otherwise provided in subsection (a) of
217 Section 41-29-365, the regular meetings of the council shall
218 be held at the call of the chair, at least four times per
219 state fiscal year; special meetings of the council may be
220 called by the chair, or upon written request of a majority of
221 the members of the council; and all regular and special
222 meetings of the council shall comply with the Open Meetings
223 Act.

224 (b) A majority of the members of the council, or their



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225 designees, shall constitute a quorum for the transaction of
226 business.

227 (c) Each member of the council may appoint, in writing
228 to the chair, a designee to represent him or her during the
229 proceedings of the council.

230 (d) The members of the council shall not receive a
231 salary or per diem allowance for their service but shall be
232 reimbursed through the Department of Commerce for expenses
233 incurred in the performance of their duties for the office at
234 the same rate as provided for state employees.

235 (e) Direct access to data in the system is restricted
236 to office staff and authorized staff approved by the council.

237 (f) Any person who knowingly releases data collected
238 pursuant to this division to any other person not authorized
239 to lawfully receive the data shall be guilty of a Class C
240 felony and punished as provided by law.

241 §41-29-364

242 (a) The Office of Education and Workforce Statistics
243 is established within the Department of Commerce to manage
244 the activities of the system on behalf of the council. The
245 office shall be an authorized representative for partner
246 entity data. The director shall serve at the pleasure, and
247 shall perform functions as provided by rule, of the council
248 and approved by the Secretary of Commerce.

249 (b) In the event of a data breach, the office shall
250 comply with the Alabama Data Breach Notification Act of 2018.

251 (c) No member of, or designee appointed to, the
252 council or any standing or ad hoc committee of the council



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253 may vote or otherwise participate in any discussion or debate
254 on any matter before the council in which he or she, or an
255 immediate family member, has a direct personal or pecuniary
256 interest. A member or designee shall notify the chair of the
257 council in writing of any conflict of interest.

258 §41-29-365

259 The council shall adopt rules as necessary to
260 implement and administer this division pursuant to the
261 Alabama Administrative Procedure Act, Chapter 22 of Title 41.

262 Section 3. Section 41-29-298 is added to the Code of
263 Alabama 1975, to read as follows:

264 §41-29-298

265 (a) This section shall be known and may be cited as
266 the Alabama College and Career Readiness Act.

267 (b) For the purposes of this section, the state
268 apprenticeship agency is the Alabama Office of
269 Apprenticeship.

270 (c) Commencing with the 2025-2026 school year, a
271 public school student shall earn one or more college or
272 career readiness indicators approved by the State Board of
273 Education, before graduation.

274 (d) The State Board of Education shall adopt rules as
275 necessary to implement and administer this section pursuant
276 to the Alabama Administrative Procedure Act, Chapter 22 of
277 Title 41.

278 Section 4. Although this bill would have as its
279 purpose or effect the requirement of a new or increased
280 expenditure of local funds, the bill is excluded from further



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281 requirements and application under Section 111.05 of the
282 Constitution of Alabama of 2022, because the bill defines a
283 new crime or amends the definition of an existing crime.

284 Section 5. This act shall become effective on the
285 first day of the third month following its passage and
286 approval by the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 06-Apr-23.

John Treadwell
Clerk

Senate 24-May-23

House 25-May-23

Passed
Concurred in
Senate Amendment