By Representatives Collins, Baker, Shaver, Colvin, Lamb, Wood (D), Hill, Estes, Stadthagen, Gidley, Butler, Wilcox, Moore (P), Hurst, Rigsby, Givens, Faulkner, Brown, DuBose, Pettus, Paschal

RFD: Education Policy

First Read: 07-Mar-23

2023 Regular Session
Enrolled, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§41-29-350
This division shall be known and may be cited as the Alabama Credential Quality and Transparency Act.

§41-29-351

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

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

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

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

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

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

§41-29-352

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

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

(1) One representative from each of the technical
advisory committees of the Alabama Committee on Credentialing and Career Pathways.

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

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

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

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

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

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

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

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

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

§41-29-353

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

§41-29-354

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

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

§41-29-360

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

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

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

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

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

(4) STUDENT DATA.

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

  1. State and national assessments.

  2. Course taking and completion.

  3. Grade point average.

  4. Remediation.

  5. Retention.

  6. Special population status as defined by the Alabama
Workforce Innovation and Opportunity Act state plan.

7. Degree, diploma, or credential attainment.

8. Enrollment and absenteeism data.

9. Demographic data.

10. Suspension and expulsion records.

11. Student financial aid data.

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

1. Juvenile delinquency records.

2. Criminal records.

3. Medical and health records.

(5) SYSTEM. The Alabama Terminal on Linking and Analyzing Statistics (ATLAS) on Career Pathways longitudinal database system.

(6) WORKFORCE DATA. Data relating to, but not limited to, any of the following:

a. Employment status.

b. Wage information.

c. Special population status as defined by the Alabama Workforce Innovation and Opportunity Act state plan.

d. Geographic location of employment.

e. Industry or occupation, or both.

§41-29-361

The system is established as a secure system to exchange, deidentify, and match individual level education and workforce data from partner entities while upholding legal protections to ensure privacy and security. The system shall be used to provide policymakers with access to data regarding the state talent development system, including
early learning, education, workforce training, and employment outcomes. The system makes it possible to match data from various agencies and programs over time to create reports that may then be aggregated and analyzed to assist policy makers with developing strategies to improve education and workforce outcomes. The system shall be configured in the following manner:

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

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

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

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

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

§41-29-362

(a) The council is established to govern the system.
(b) The appointing authorities shall coordinate their appointments to assure the council membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state. The membership of the council shall consist of all of the following:

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

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

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

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

(5) The Chair of the Alabama Workforce Council.

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

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

(1) Develop a strategic plan.

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

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

(4) Develop a data governance and security plan for
the system regarding the use, privacy, and security of data
and publish the plan on the system website.

(5) Establish the research agenda for the system.

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

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

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

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

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

§41-29-363

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

(b) A majority of the members of the council, or their
designees, shall constitute a quorum for the transaction of business.

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

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

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

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

§41-29-364

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

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

(c) No member of, or designee appointed to, the council or any standing or ad hoc committee of the council
may vote or otherwise participate in any discussion or debate on any matter before the council in which he or she, or an immediate family member, has a direct personal or pecuniary interest. A member or designee shall notify the chair of the council in writing of any conflict of interest.

§41-29-365

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

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

§41-29-298

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

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

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

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

Section 4. 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 Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
HB109 Enrolled

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 Passed
House 25-May-23 Concurred in Senate Amendment