

HB109 INTRODUCED



1 KMTJUA-1

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6 RFD: Education Policy

7 First Read: 07-Mar-23

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SYNOPSIS:

This bill would establish the Alabama Credential Quality and Transparency Act and the Alabama Workforce Council Committee on Credential Quality and Transparency; would establish the Alabama Terminal on Linking and Analyzing Statistics (ATLAS) on Career Pathways Act; and would establish the Alabama College and Career Readiness Act.

Section 111.05 of the Constitution of Alabama of 2022, 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.



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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to credentials and the workforce; to create

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the Alabama Credential Quality and Transparency Act as a new

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Division 9, commencing with Section 41-29-350, Article 3,

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Chapter 29, Title 41, Code of Alabama 1975; to create the

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Alabama Terminal on Linking and Analyzing Statistics on Career

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Pathways Act as a new Division 10, commencing with Section

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41-29-360, Article 3, Chapter 29, Title 41, Code of Alabama

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1975; and to establish the Alabama College and Career

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Readiness Act by adding Section 41-29-298 to the Code of

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Alabama 1975; to provide for the creation of a free,

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searchable public online registry of educational and

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occupational credentials; to restrict the release of

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personally identifiable information; to provide procedures for

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handling data breaches; to establish a statewide definition of

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college and career readiness; and in connection therewith

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would have as its purpose or effect the requirement of a new

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or increased expenditure of local funds within the meaning of

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Section 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Division 9, commencing with Section

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41-29-350, is added to Article 3, Chapter 29, Title 41 of the

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Code of Alabama 1975, to read as follows:



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57 §41-29-350

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

60 §41-29-351

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

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

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

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

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

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

74 §41-29-352

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

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

84 (1) One representative from each of the technical



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85 advisory committees of the Alabama Committee on Credentialing
86 and Career Pathways.

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

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

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

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

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

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

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

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

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

108 §41-29-353

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



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113 platforms.

114 §41-29-354

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

118 Section 2. Division 10, commencing with Section
119 41-29-360, is added to Article 3, Chapter 29, Title 41 of the
120 Code of Alabama 1975, to read as follows:

121 §41-29-360

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

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

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

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

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

132 (4) STUDENT DATA.

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

135 1. State and national assessments.

136 2. Course taking and completion.

137 3. Grade point average.

138 4. Remediation.

139 5. Retention.

140 6. Special population status as defined by the Alabama



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141 Workforce Innovation and Opportunity Act state plan.

142 7. Degree, diploma, or credential attainment.

143 8. Enrollment and absenteeism data.

144 9. Demographic data.

145 10. Suspension and expulsion records.

146 11. Student financial aid data.

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

148 1. Juvenile delinquency records.

149 2. Criminal records.

150 3. Medical and health records.

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

152 Analyzing Statistics (ATLAS) on Career Pathways longitudinal

153 database system.

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

155 to, any of the following:

156 a. Employment status.

157 b. Wage information.

158 c. Special population status as defined by the Alabama

159 Workforce Innovation and Opportunity Act state plan.

160 d. Geographic location of employment.

161 e. Industry or occupation, or both.

162 §41-29-361

163 The system is established as a secure system to

164 exchange, deidentify, and match individual level education and

165 workforce data from partner entities while upholding legal

166 protections to ensure privacy and security. The system shall

167 be used to provide policymakers with access to data regarding

168 the state talent development system, including early learning,



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169 education, workforce training, and employment outcomes. The
170 system makes it possible to match data from various agencies
171 and programs over time to create reports that may then be
172 aggregated and analyzed to assist policy makers with
173 developing strategies to improve education and workforce
174 outcomes. The system shall be configured in the following
175 manner:

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

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

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

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

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

195 §41-29-362

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



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197 (b) The appointing authorities shall coordinate their
198 appointments to assure the council membership is inclusive and
199 reflects the racial, gender, geographic, urban, rural, and
200 economic diversity of the state. The membership of the council
201 shall consist of all of the following:

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

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

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

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

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

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

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

218 (1) Develop a strategic plan.

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

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

224 (4) Develop a data governance and security plan for the



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225 system regarding the use, privacy, and security of data and
226 publish the plan on the system website.

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

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

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

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

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

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

242 §41-29-363

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

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



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253 business.

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

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

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

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

268 §41-29-364

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

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

278 (c) No member of, or designee appointed to, the council
279 or any standing or ad hoc committee of the council may vote or
280 otherwise participate in any discussion or debate on any



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281 matter before the council in which he or she, or an immediate
282 family member, has a direct personal or pecuniary interest. A
283 member or designee shall notify the chair of the council in
284 writing of any conflict of interest.

285 §41-29-365

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

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

291 §41-29-298

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

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

296 (c) Commencing with the 2024-2025 school year, a public
297 school student shall earn one or more college or career
298 readiness indicators approved by the State Board of Education,
299 before graduation.

300 (d) The State Board of Education shall adopt rules as
301 necessary to implement and administer this section pursuant to
302 the Alabama Administrative Procedure Act, Chapter 22 of Title
303 41.

304 Section 4. Although this bill would have as its purpose
305 or effect the requirement of a new or increased expenditure of
306 local funds, the bill is excluded from further requirements
307 and application under Section 111.05 of the Constitution of
308 Alabama of 2022, because the bill defines a new crime or



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309 amends the definition of an existing crime.

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