

**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



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



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



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



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



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



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.



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



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



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



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



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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293 Speaker of the House of Representatives

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298 President and Presiding Officer of the Senate

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House of Representatives

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

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John Treadwell  
Clerk

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Senate	<b><u>24-May-23</u></b>	Passed
House	<b><u>25-May-23</u></b>	Concurred in Senate Amendment