



The Office of Alabama Governor  
**Robert Bentley**

## EXECUTIVE ORDER NUMBER 6

May 21, 2015

Executive Orders

**WHEREAS**, the State of Alabama desires to leverage the strengths of education and industry to improve educational outcomes and to promote workforce and economic development;

**WHEREAS**, the State of Alabama has a vital interest in improving the productivity of state resources by maximizing the use of the state's existing assets;

**WHEREAS**, the appropriate use of data is essential to accelerate student learning, program and financial effectiveness and efficiency, and policy development;

**WHEREAS**, each of the following Alabama departments and entities separately collect and maintain data relevant to student progress from early learning through postsecondary and into employment: the Department of Children's Affairs, the Department of Education, the Alabama Community College System, the Four-Year Public and Independent Colleges and Universities, the Alabama Commission on Higher Education, the Department of Labor, and the Regional Workforce Development Councils of Alabama;

**WHEREAS**, each of the foregoing bodies works to advance education and/or workforce outcomes in the State of Alabama through segmented efforts that do not efficiently utilize state resources;

**WHEREAS**, the Governor's College and Career Ready Task Force (the "Task Force") was established pursuant to Executive Order No. 36 on January 15, 2013 to evaluate means of closing the gap between the knowledge and skills of the workforce and the needs of business and industry;

**WHEREAS**, the Task Force recommended the establishment of the Alabama Workforce Council, which was created by the Legislature pursuant to Alabama Act No. 2014-16, to promote collaboration across prekindergarten-12, two-year college, four-year universities, and business and industry;

**WHEREAS**, after consideration of the structure of Alabama's education, social and workforce programs and consultation with experts in the fields of education and workforce data, the Alabama Workforce Council recommended the establishment of a P-20W statewide longitudinal data system, which is a program to collect and match personally identifiable records of Alabama students from early learning through postsecondary and into employment;

**WHEREAS**, integrating the state's education and workforce information into a P-20W system is critical to ensuring that all Alabama students graduate from high school being college and career ready, improving decision-making on educational programs, making decisions based upon validated and objective measures of student outcomes, and permitting qualified researchers to collaboratively evaluate the success of state programs;

**WHEREAS**, the P-20W system would improve student achievement and help close the skills gap through a focused, integrated, and comprehensive approach to data sharing and research statewide;

**WHEREAS**, developing a P-20W system would enable students and parents to make better decisions to ensure student success; help teachers and education leaders to identify best practices, scale them within schools, and allocate resources toward such programs; allow transparency of the use of tax dollars for taxpayers; assist industry to better understand the development of skilled talent; enable business and philanthropy leaders to target their resources towards programs with proven outcomes; and help state policymakers to allocate state resources to effective programs; and

**WHEREAS**, the State of Alabama recognizes that protecting and safeguarding the privacy and security of students' personally identifiable information is of utmost importance.

**NOW, THEREFORE**, based upon these considerations for other good and valid reasons thereto, I, Robert Bentley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby order and direct the following:

(1) A statewide longitudinal data system (hereafter known as the Alabama P-20W Longitudinal Data System) is hereby created to match information about students from early learning through postsecondary education and into employment. The purposes of the Alabama P-20W Longitudinal Data System include developing a state talent pipeline capable of ensuring that all Alabama students graduate from school being college and career ready, improving decision-making on educational programs, making decisions based upon validated and objective measures of student outcomes, and permitting qualified researchers to collaboratively evaluate the success of state programs. All student information will be protected, safeguarded, kept confidential, and used only by appropriate educational and workforce authorities in order to serve the best interests of students, in accordance with state and federal law.

(2) The Alabama Office of Education and Workforce Statistics (hereinafter referred to as the "Office") is hereby established as a separate office under the Department of Labor and shall be headed by a Chief Policy Officer who will be appointed by the Governor from nominations made to the Governor by the Advisory Board of the Office. Subject to the availability of funding, the duties of the Office shall be to:

(a) Develop an implementation plan to phase in the establishment and operation of the Alabama P-20W Longitudinal Data System and the Office in coordination with the Advisory Board;

(b) Oversee and maintain the Alabama P-20W Longitudinal Data System;

(c) Develop de-identification standards and processes using modern statistical methods;

(d) Identify and prioritize critical policy questions to improve education and workforce outcomes;

(e) Create a process for collecting, managing and reporting data;

(f) Develop requirements and definitions for data to be provided to the Alabama P-20W Longitudinal Data System to ensure interoperability;

(g) Hold providers of data accountable for data quality and integrity;

(h) Link education and workforce data from multiple sources through quality matching;

(i) Ensure adherence to data security and privacy policies;

(j) Evaluate public education and workforce development programs at all levels, from early learning through postsecondary and graduate school;

(k) Conduct and support research studies designed to improve instruction or to develop assessments for or on behalf of schools or school districts in the state;

(l) Ensure compliance with the federal "Family Education Rights and Privacy Act," 20 U.S.C. § 1232g ("FERPA"), and all other relevant state and federal privacy laws, including the governance policy established by the Advisory Board of the Office;

(m) Respond to approved research data requests in accordance with the data access and use policies established

by the Chief Policy Officer and the Advisory Board of the Office;

(n) Enter into contracts or other agreements with appropriate entities to the extent necessary to carry out the duties and responsibilities of the Office;

(o) Employ staff as necessary to carry out the Office's functions, as provided in the State budget; and

(p) Pursue all available funding for the development and maintenance of the Alabama P-20W Longitudinal Data System, including federal grant funding.

(3) The Advisory Board of the Office (the "Advisory Board") is hereby established.

(a) The Advisory Board shall consist of:

(i) the Commissioner of Labor, who shall serve as the Co-chair of the Advisory Board;

(ii) the Secretary of Information Technology, who shall serve as the Co-chair of the Advisory Board;

(iii) the Governor's Education Policy Advisor;

(iv) the Chair of the Senate Education Budget Committee;

(v) the Chair of the House of Representatives Education Budget Committee;

(vi) a representative of the State Board of Education, who shall be appointed by the Governor to serve no more than two consecutive three-year terms;

(vii) the State Superintendent of Education, or his or her designee;

(viii) a representative of the Alabama Community College System Board of Trustees, who shall be appointed by the Governor to serve no more than two consecutive three-year terms;

(ix) the Chancellor of the Alabama Community College System, or his or her designee;

(x) the President of the Alabama Council of College and University Faculty Presidents, or his or her designee;

(xi) the President of the Alabama Association of Independent Colleges and Universities, or his or her designee;

(xii) the Chairperson of the Alabama Commission on Higher Education, or his or her designee;

(xiii) the Commissioner of Children's Affairs, or his or her designee;

(xiv) the Secretary of Commerce, or his or her designee;

(xv) the State Service Commissioner of the State Department of Veteran Affairs, or his or her designee;

(xvi) one information technology expert representing private industry with expertise in large data systems and data security, who shall be appointed by the Governor to serve no more than two consecutive three-year terms;

(xvii) one representative of local superintendents in the State of Alabama, who shall be appointed by the Governor to serve no more than two consecutive three-year terms; and

(xviii) one representative of the public, who shall be appointed by the Governor to serve no more than one three-year term.

All members of the Advisory Board shall serve at the pleasure of the appointing authority. The members of the Advisory Board shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state. The members shall not receive any compensation or reimbursement for serving on the Advisory Board.

(b) The Governor shall have the authority to appoint additional members to the Advisory Board when

necessary.

(c) The duties of the Advisory Board shall be to:

(i) Oversee the development of a detailed data governance policy before the implementation of the Alabama P-20W Longitudinal Data System, and to conduct an annual review of such policy thereafter;

(ii) Establish the research agenda of the Office; and

(iii) Oversee compliance with FERPA and all other relevant state and federal privacy laws.

(d) The Advisory Board shall meet at least semi-annually and at other times upon the call of a Co-chair. Half of the members of the Advisory Board then in office shall constitute a quorum at any meeting of the Advisory Board for the transaction of business. The act of a majority of the members of the Advisory Board present at any meeting at which there is a quorum shall be an act of the Advisory Board. Members of the Advisory Board may participate in any meeting of the Advisory Board by means of a conference telephone, video conference, or similar communications equipment so long as all persons participating at the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting.

(e) The Advisory Board may form committees, work groups, and advisory councils to accomplish its duties and functions.

(4) Provision of Data to the Alabama P-20W Longitudinal Data System.

(a) To the extent permitted by law, the following entities shall provide accurate education and workforce data to the Alabama P-20W Longitudinal Data System:

(i) the Alabama Department of Children's Affairs;

(ii) the Alabama State Department of Education;

(iii) the Alabama Community College System;

(iv) the State of Alabama's four-year public and independent colleges and universities;

(v) the Alabama Commission on Higher Education;

(vi) the Alabama Department of Labor;

(vii) the State Department of Veteran Affairs;

(viii) the Alabama Industrial Development and Training Institute;

(ix) the Federal Employment Data Exchange System; and

(x) the Regional Workforce Development Councils of Alabama.

(b) The Office, upon approval of the Advisory Board and to the extent not prohibited by law, may request education data and workforce data from any additional public agency or entity.

(c) The education and workforce data to be submitted to the Alabama P-20W Longitudinal Data System should include:

(i) Data relating to student performance, including assessments; course-taking and completion; grade-point average; remediation; retention; degree, diploma or credential attainment; enrollment; and demographic data;

(ii) Workforce data, including employment status, wage information, field of employment, employer information, and geographic location of employment; and

(iii) Other student and workforce data deemed necessary by the Advisory Board to achieve the state's educational goals.

(d) Any private institution of higher learning, private school, or parochial school, upon approval of the Advisory Board, may provide education and workforce data to the Alabama P-20W Longitudinal Data System.

(e) The providing entity must certify that the data provided to the Alabama P-20W Longitudinal Data System is accurate. Each providing entity shall retain ownership of the data provided to the Alabama P-20W Longitudinal Data System.

(5) Data Governance Policies.

(a) The Chief Policy Officer, with the approval of the Advisory Board, shall develop statewide governance policies ("Governance Policies") regarding the use, privacy, and security of data, consistent with state and federal law, including FERPA, which policies shall govern the Alabama P-20W Longitudinal Data System. The Chief Policy Officer and Advisory Board shall review the Governance Policies at least annually and make any necessary revisions.

(b) The Governance Policies shall include:

(i) Procedures for data collection, use, storage, retention, destruction, and protection, requiring collection of limited and appropriate data and prohibiting selling or using the data from the Alabama P-20W Longitudinal Data System;

(ii) Process by which researchers can propose studies of de-identified information for approval by the Office;

(iii) Inventory of data collected, with descriptions in plain English;

(iv) Strategies to promote transparency and public knowledge;

(v) Security plan with administrative, physical, and technical safeguards; internal accountability processes; periodic audits, reviews and risk assessments; and security clearance requirements for individuals with access to personally identifying information;

(vi) Penalties for violations of the Governance Policies, including possible suspensions and terminations for employees and contractors of the Office;

(vii) Prohibition on the use of data for non-educational and non-workforce purposes;

(viii) Recordkeeping plan; and

(ix) Third-party vendor and contractor access and use requirements.

(c) The level of access to information in the Alabama P-20W Longitudinal Data System shall be restricted in the Governance Policies as follows:

(i) Direct access to personally identifying information in the Alabama P-20W Longitudinal Data System is restricted to staff and authorized representatives of the Office. Information that has not been de-identified may not be reported or disclosed in any form by the Office. Information is not considered de-identified if an individual is reasonably identifiable based on the size or uniqueness of the population under consideration.

(ii) De-identified information may be used in analyses and research activities by the Office and qualified third parties who meet the criteria established in the Governance Policies.

(iii) Aggregated data may be released to the general public in reports and in response to data requests.

(iv) Notwithstanding anything contained herein to the contrary, the Office may not release information that may not be disclosed under FERPA or any other applicable state or

federal privacy law or policy.

(d) The Governance Policies shall apply to all third-party vendors and contractors that are given physical or electronic access to the Alabama P-20W Longitudinal Data System and shall be incorporated in the applicable contract documents.

(e) The Governance Policies must be published online and made available to the public.

(6) The Office shall report annually to the Governor and the Legislature on or before January 31 of each year, which report shall include:

(a) An update on the implementation of the Alabama P-20W Longitudinal Data System and the Office's activities;

(b) A list of data initiatives begun or being planned, including a list of all studies performed by or on behalf of the Office during the reporting period;

(c) A list of currently warehoused data;

(d) Any proposed or planned expansion of data maintained in the system; and

(e) Any other recommendations made by the Advisory Board.

(7) The Office may receive funding from the following sources:

(a) State appropriations;

(b) Grants or other assistance from local education agencies and institutions of higher education;

(c) Federal grants;

(d) User fees; and

(e) Any other grants or contributions from public or private entities received by the Office.

**BE IT ORDERED**, that the State of Alabama shall make every effort to seek federal funding to support the creation and establishment of the Alabama P-20W Longitudinal Data System and the Alabama Office of Education and Workforce Statistics.

**BE IT FURTHER ORDERED**, that this Executive Order shall become effective immediately upon signing and shall remain in force until such time as it is modified or rescinded by the Governor.

DONE AND ORDERED this 21st day of May, 2015.

Robert Bentley  
Governor

ATTEST:

John H. Merrill  
Secretary of State

*Provided by the Office of the Governor of Alabama | [governor.alabama.gov](http://governor.alabama.gov)*