

SENATE BILL 461

By Watson

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 49, relative to workforce development.

WHEREAS, the great State of Tennessee continues to be a place where students can learn, grow, work, and thrive; and

WHEREAS, education and workforce training systems are the foundation of preparing today's students and workers for tomorrow's workforce needs; and

WHEREAS, K-12 education, higher education, and workforce training play a pivotal role in providing the learning, skills, and readiness for Tennesseans to pursue a fulfilling career path; and

WHEREAS, Tennessee employers continue to seek skilled workers to meet their needs, yet face barriers to recruiting and retaining workers; and

WHEREAS, K-12 schools, institutions of higher education, and employers should have access to information that would help them better serve the citizens of this State; and

WHEREAS, families and communities should have access to public-facing resources that inform them about education, training, and career opportunities for students and workers; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, is amended by adding the following as a new part:

49-1-1301. Part definitions.

As used in this part:

(1) "Center" means the Tennessee education and workforce data center, created in § 49-1-1303, which is located in the department of finance and administration's office of evidence and impact;

(2) "Commission" means the future of work commission;

(3) "Contributing agencies" means the state agencies that contribute data to the center, including, but not limited to:

(A) The department of education;

(B) The Tennessee higher education commission;

(C) The department of labor and workforce development;

(D) The department of economic and community development;

(E) The department of children's services; and

(F) The department of human services;

(4) "De-identified data" means a data set in which personally identifiable information is removed for confidentiality;

(5)

(A) "Education data" means data collected or reported at the student level that is included in a student's educational record;

(B) "Education data" includes, but is not limited to:

(i) Career and college readiness indicators;

(ii) State and national assessment data;

(iii) Course-taking and completion data in elementary, secondary, and postsecondary education;

(iv) Elementary, secondary, and postsecondary grade point average data;

- (v) Four-, five-, and six-year high school graduation rate data;
- (vi) First to second year retainment data;
- (vii) Certificate, diploma, and degree attainment data;
- (viii) College enrollment course-taking, credit, and contact hour accumulation data;
- (ix) Attendance and transferability data;
- (x) Special education data;
- (xi) Remediation data; and
- (xii) Demographics data; and

(6) "Workforce data":

- (A) Means data related to an individual's workforce outcomes;

and

- (B) Includes, but is not limited to, an individual's:

- (i) Labor and workforce training program participation and completion information data;
- (ii) Wage information;
- (iii) Unemployment claim eligibility information;
- (iv) Employer information; and
- (v) Demographics data.

49-1-1302. Future of Work Commission.

(a) There is created a future of work commission to govern the activities of the Tennessee education and workforce data center created in § 49-1-1303.

(b) The commission is comprised of eleven (11) members, which include:

- (1) The commissioner of education, or the commissioner's designee;

(2) The executive director of the Tennessee higher education commission, or the executive director's designee;

(3) The commissioner of labor and workforce development, or the commissioner's designee;

(4) The commissioner of economic and community development, or the commissioner's designee;

(5) The commissioner of finance and administration, or the commissioner's designee;

(6) The commissioner of human services, or the commissioner's designee;

(7) The commissioner of children's services, or the commissioner's designee;

(8) Two (2) members who are residents of this state and who are appointed by the speaker of the senate; and

(9) Two (2) members who are residents of this state and who are appointed by the speaker of the house of representatives.

(c) In making appointments pursuant to subdivisions (b)(8) and (9), the appointing authorities shall strive to ensure that:

(1) The commission members possess experience and expertise in kindergarten through grade twelve (K-12) education, higher education, workforce development, public and nonprofit governance, or managing data systems; and

(2) A proportionate number of persons are appointed to the commission from each grand division of this state.

(d) The chair of the commission is elected by the members of the commission for a term of two (2) years. A chair may be reelected.

(e) The commission shall meet at least annually. The chair may call special meetings whenever necessary. The chair of the commission shall notify each member of the commission of any special meeting before the fixed time for the special meeting. A majority of the commission may petition the chair to call a special meeting.

(f) Meetings of the commission must be open to the public and streamed on the website that is created and maintained by the commission. Archived videos of the commission's meetings must be made available to the public through the commission's website.

(g) The commission is authorized to develop and implement policies and procedures to effectuate the purposes of this part.

(h) The duties and functions of the commission are to:

(1) Develop an education and workforce research agenda and data plan to:

(A) Improve alignment across existing programs and systems;

(B) Support student success in grades kindergarten through twelve (K-12) education, higher education, and the workforce; and

(C) Equip local and state policymakers with information about education and workforce development;

(2) Develop and implement policies and procedures regarding data and research requests;

(3) Develop and make available a model data-sharing agreement that allows for reciprocal sharing of information between public schools, public or private institutions of higher education, and state and local workforce entities; and

(4) Develop and implement policies to ensure compliance with the Federal Family Educational Rights and Privacy Act, (FERPA) (20 U.S.C. § 1232g), and all other relevant federal and state privacy laws, and any other privacy measures required by law or the commission.

(i) The commission may form committees, work groups, or advisory councils to accomplish the commission's purposes.

(j) For administrative purposes, the commission is housed in the department of finance and administration's office of evidence and impact.

49-1-1303. The Tennessee Education and Workforce Data Center.

(a) The Tennessee education and workforce data center is:

(1) Administered by an executive director, who is employed by the commission; and

(2) An authorized representative of the contributing agencies under applicable federal and state laws, rules, and regulations for the purpose of accessing and compiling student record data for research purposes.

(b) The center shall:

(1) Serve as the central repository of education data and workforce data provided by contributing agencies;

(2) Work with the contributing agencies to create, publish, and make publicly available a data inventory and dictionary of data elements with definitions to ensure the integrity and quality of the data collected and reported;

(3) Develop a public-facing website that provides information about the policies and procedures established by the commission and the research and data products created by the center;

(4) Publish a web-based platform using de-identified and aggregate data that provides an overview of the pathway from education into the workforce, including student achievement and growth; proficiency in literacy rates; course taking and completion; high school graduation; program enrollment, retention, and completion; and postgraduate employment and wages;

(5) Conduct research and produce an annual report available in a printed and web-based format using de-identified education and workforce data to inform decision-making by state and local governments, educational agencies, institutions of higher education, and other education stakeholders in order to improve the state's education and workforce systems;

(6) Provide technical and data analysis support to contributing agencies and other data users;

(7) Facilitate the process for timely data access in accordance with the policies and procedures established by the commission under § 49-1-1302(h)(4).

Unless otherwise permitted in this part or approved by the commission:

(A) Education and workforce data maintained by the center must remain confidential; and

(B) The center may only use de-identified and aggregate data in response to research and data requests;

(8) Authorize any private institution of higher education, private school, or church-related school, or their designated agents, to contribute data to the center;

(9) Fulfill approved public information requests according to the commission's public records request rule; § 10-7-504; FERPA; the Data

Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws; and

(10) Ensure strict compliance with § 10-7-504; FERPA; the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title; and all other relevant privacy laws.

SECTION 2. Tennessee Code Annotated, Section 4-29-246(a), is amended by inserting the following as a new subdivision:

The future of work commission, created by § 49-1-1302;

SECTION 3. The department of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include any headings in any compilation or publication containing this act.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.