

SENATE No. 343

The Commonwealth of Massachusetts

PRESENTED BY:

Pavel M. Payano

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing an education-to-career data center.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Pavel M. Payano</i>	<i>First Essex</i>	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>4/18/2023</i>

SENATE No. 343

By Mr. Payano, a petition (accompanied by bill, Senate, No. 343) of Pavel M. Payano for legislation to establish an education-to-career data center. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing an education-to-career data center.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 7D the
2 following chapter:-

3 Chapter 7E. Education-to-Career Data Center

4 Section 1. Definitions

5 As used in this chapter, the following words shall, unless the context clearly requires
6 otherwise, have the following meanings:—

7 “Board”, the board of the Massachusetts Education-to-Career Data Center established
8 pursuant to section 4.

9 “Center”, the Massachusetts Education-to-Career Data Center established pursuant to
10 section 2.

11 “Data element”, a variable or field in an administrative database or record.

12 “Data provider”, the public agency that provides data elements to the data system.

13 “Data requests in the public interest”, requests for data that enable families, educators,
14 public agencies, researchers and policymakers to make appropriate choices and investments or
15 provide appropriate interventions to improve educational and workforce outcomes for all
16 individuals.

17 “Data system”, the Massachusetts Education-to-Career Data System established pursuant
18 to section 2.

19 “De-identification”, the removal of an individual’s name, address, employer, date of
20 birth, social security number, driver’s license number and other personal information from a data
21 record. Data shall be considered “de-identified” only if satisfying the standard for de-
22 identification set forth in 45 CFR § 164.514(b)(1) or (2) and 34 CFR § 99.31(b)(1).

23 “Longitudinal data set”, a data set containing information on individuals from various
24 public and private sources over multiple periods of time.

25 “Research-practice partnerships”, collaborative, long-term relationships between
26 researchers and practitioners that are designed to increase educational or workforce outcomes.

27 “Secure data enclave”, a secure, remotely accessible environment to aggregate and
28 analyze personal data, as set forth in M.G.L c. 66A, without transferring the underlying data.

29 “Strategic initiative”, a major initiative to increase educational or workforce outcomes
30 that receives funding from the commonwealth over multiple years or entails substantial changes
31 to policy or practice.

32 Section 2. The Massachusetts Education-to-Career Data Center

33 (a) The Massachusetts Education-to-Career Data Center is hereby established within the
34 Executive Office of Technology Services and Security. The center's purpose is to build and
35 operate the Massachusetts Education-to-Career Data System pursuant to section 3.

36 (b) The center shall be headed by an executive director who shall report to the secretary
37 of information technology services and security. In selecting the executive director, the secretary
38 shall consult with the board. The executive director shall be the chief executive, administrative
39 and operational officer of the center; shall direct and supervise the administrative affairs and the
40 general management of the center and shall attend the meetings of the board. The executive
41 director may appoint and remove such employees deemed necessary to perform the duties of the
42 center.

43 (c) The center may receive funding for its operations from state appropriations, federal
44 grants, and any other grants or contributions from public agencies or other entities.

45 (d) The duties of the center shall be to:

46 (1) Oversee and maintain the data system.

47 (2) Develop de-identification processes.

48 (3) Regularly audit and ensure compliance with the Family Education Rights and Privacy
49 Act, 20 U.S.C. § 1232g, the Federal Privacy Act, 5 U.S.C. § 552a, the Fair Information Practices
50 Act, M.G.L. c. 66A, the state unemployment insurance statute, M.G.L. c. 151A, § 46, the
51 security breach statute, M.G.L. c 93H, the workforce development statute, M.G.L c. 23H § 6(b),
52 and all other state and federal data privacy laws without limitation.

53 (4) Work with public agencies to define statewide education, workforce development,
54 and employment metrics and ensure the integrity and quality of data collected.

55 (5) Produce standard reports and build and maintain data query tools, reducing
56 duplication of effort for agency staff and providing the public with one location to access
57 education and workforce data.

58 (6) Facilitate research requests, ensuring that research complies with all state and federal
59 law related to individual privacy, including by building and maintaining a secure data enclave.

60 (e) Pursuant to 20 U.S.C. § 1232g, the center shall be considered an authorized
61 representative of the state department of elementary and secondary education, the state
62 department of higher education, and the state department of unemployment assistance under
63 applicable state and federal statutes for purposes of accessing and compiling student record and
64 wage data for research purposes.

65 Section 3. Massachusetts Education-to-Career Data System

66 (a) There is hereby established the Massachusetts Education-to-Career Data System for
67 the purpose of providing reliable and actionable information on education and workforce
68 outcomes. Information contained in the data system shall be used to:

69 (1) address disparities in educational and workforce outcomes;

70 (2) support student guidance and informed student and family decision-making;

71 (3) foster continuous improvement and accountability for educational and workforce
72 outcomes; and

73 (4) ensure efficient utilization of public and private resources devoted to furthering
74 educational and workforce outcomes.

75 (b) The data system shall employ technologies to accomplish the following:

76 (1) enable the ongoing creation, management, and monitoring of longitudinal data sets in
77 a manner that protects individual privacy;

78 (2) facilitate utilization of longitudinal data sets and reduce the administrative burden on
79 public agency staff responsible for producing reports and fulfilling data requests in a timely
80 manner, including by providing a public platform for querying the data and building custom
81 reports;

82 (3) provide access to actionable data for use by students, families, counselors, educators,
83 and workforce development providers; and

84 (4) enable academic, nonprofit and governmental research to enhance the development of
85 policies focused on educational and workforce outcomes.

86 (c) At least once per year, the following public agencies shall provide data to the data
87 system:

88 (1) department of early education and care;

89 (2) department of elementary and secondary education;

90 (3) department of higher education;

91 (4) department of unemployment assistance; and

92 (5) Any other public agencies that the executive director, subject to the review of the
93 board, identifies as appropriate for ongoing incorporation into the data system.

94 (d) The executive director may incorporate additional data elements from any public
95 agency or private entity into the data system.

96 (e) Ownership of data provided to the data system shall be retained by the providing
97 entity.

98 (f) At all times, the data system shall act in furtherance of the public good and shall be
99 held accountable thereto.

100 Section 4. Board of the Massachusetts Education-to-Career Data Center

101 (a) The Massachusetts Education-to-Career Data Center shall be governed by a 15-
102 member board composed of the secretary of information technology services and security or
103 their designee, who shall serve as chair; the secretary of education or their designee; the secretary
104 of labor and workforce development or their designee; the secretary of health and human
105 services or their designee; the commissioner of early education and care or their designee; the
106 commissioner of elementary and secondary education or their designee; the commissioner of
107 higher education or their designee; the director of the department of unemployment assistance or
108 their designee; the undersecretary of housing and community development or their designee;
109 three members of the public appointed by the speaker of the house; and three members of the
110 public appointed by the senate president.

111 (b) In appointing members of the public to the board, the speaker and senate president
112 shall strive to ensure that the governing board represents the racial and ethnic diversity of the

113 commonwealth and includes persons with experience in data security, quantitative research and
114 helping students and families consume education data. A member of the public shall serve a term
115 of no more than three years and shall not serve more than two consecutive terms or more than six
116 years. For the first appointments of members of the public, to create staggered terms, the speaker
117 and senate president shall appoint one member of the public to serve a one-year term, one
118 member of the public to serve a two-year term, and one member of the public to serve a three-
119 year term.

120 (c) The governing board shall develop and revise, from time to time, a self-governance
121 process to ensure that it, among other actions, convenes on a regular basis, but no less than
122 quarterly; and posts and archives video recording of all board meetings on the center's public
123 website.

124 (d) The governing board shall be responsible for the strategic direction and
125 implementation of the data system, including, but not limited to:

126 (1) ensuring the data system is serving its intended purpose by providing an annual report
127 to the Governor and the legislature, including the number of research requests approved and
128 denied, the number of unique visitors to online data access tools maintained by the center, an
129 annual budget recommendation for the center, and legislative recommendations to adjust the data
130 system's mission or operation to improve educational and workforce outcomes;

131 (2) establishing a research agenda that balances strategic initiatives, research priorities for
132 data providers, legislative requests, research-practice partnerships, and data requests from
133 outside researchers and the public;

134 (3) adopting best practice policies related to privacy and security, including creating
135 policies, in accordance with federal and state law and regulation, related to data de-identification
136 as well as governing the collection and use of personally identifiable information from data
137 providers, which may include the creation of an “opt out” policy for students and families;

138 (4) adopting and adjusting as necessary a data dictionary, data standards, and security
139 protocols to ensure interoperability between the data system and other state data systems using
140 the same source data;

141 (5) expanding the collected data set by approving additional data providers or requesting
142 additional data points from data providers, consistent with all applicable laws; and

143 (6) creating, and revising from time to time, a data request process for use by researchers
144 and policymakers, that:

145 (i) maintains compliance with federal and state laws to protect individual privacy,
146 including by allowing any data provider to exclude its data elements from a request if the data
147 provider determines that access to the data element conflicts with its statutory requirements to
148 protect individual privacy; and giving data providers the opportunity to review and approve the
149 public release of research products derived from their data elements to ensure that the research
150 products conform with statutory requirements to protect individual privacy; and

151 (ii) facilitates the timely approval of data requests in the public interest, as defined
152 pursuant to section 1, to generate information that is not otherwise available via public query
153 tools or published reports; and

154 (iii) provides a clear and publicly accessible record of all data requests approved, denied,
155 or withdrawn, including by issuing a clear written explanation for the determination when a
156 request is denied.

157 Section 5. Strategic Initiatives

158 (a) The board may determine that a strategic initiative of the commonwealth merits
159 enhanced data collection or evaluation, or both.

160 (b) At such time, the executive director shall appoint a special committee with two co-
161 chairs. One co-chair shall be a member of the board that represents an agency involved in the
162 strategic initiative or their designee. The second co-chair shall be an academic researcher who is
163 not principally employed by the commonwealth. The special committee shall include at least five
164 members, inclusive of the co-chairs. At least three of the members shall have expertise in
165 statistical methods for program and policy evaluation.

166 (c) Over the life of the strategic initiative, the special committee shall recommend
167 evaluation methods. To the extent that these methods require additional data elements, the
168 executive director and board shall direct said agencies to prioritize the integration of these data
169 elements into the data system.

170 Section 6. Research-Practice Partnerships

171 A municipality or group of municipalities of the commonwealth may create research-
172 practice partnerships to improve their understanding of education and workforce outcomes at the
173 local or regional level. The center shall support these efforts by developing policies and

174 procedures to link local data to the data system, in compliance with all state and federal laws to
175 protect individual privacy.

176 SECTION 2. This act shall take effect upon its passage.