

SENATE No. 2666

The Commonwealth of Massachusetts

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

SENATE, April 1, 2024.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 343) of Pavel M. Payano for legislation to establish an education-to-career data center, report the accompanying bill (Senate, No. 2666).

For the committee,
Jason M. Lewis

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**In the One Hundred and Ninety-Third General Court
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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 department of elementary and secondary education, the department of
62 higher education, and the department of unemployment assistance under applicable state and
63 federal statutes for purposes of accessing and compiling student record and wage data for
64 research purposes. Any disclosures of confidential unemployment compensation information to
65 the center for purposes of populating the data system shall adhere to the requirements of 20
66 C.F.R. Part 603 and state law concerning the confidentiality of the information.

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

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

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

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

73 (3) foster continuous improvement and accountability for educational and workforce
74 outcomes; and

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

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

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

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

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

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

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

90 (1) department of early education and care;

91 (2) department of elementary and secondary education;

92 (3) department of higher education;

93 (4) department of unemployment assistance; and

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

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

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

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

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

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

113 (b) In appointing members of the public to the board, the speaker and senate president
114 shall strive to ensure that the governing board represents the racial and ethnic diversity of the
115 commonwealth and includes persons with experience in data security, quantitative research and
116 helping students and families consume education data. A member of the public shall serve a term
117 of no more than three years and shall not serve more than two consecutive terms or more than six
118 years. For the first appointments of members of the public, to create staggered terms, the speaker
119 and senate president shall appoint one member of the public to serve a one-year term, one
120 member of the public to serve a two-year term, and one member of the public to serve a three-
121 year term.

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

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

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

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

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

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

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

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

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

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

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

159 Section 5. Strategic Initiatives

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

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

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

172 Section 6. Research-Practice Partnerships

173 A municipality or group of municipalities of the commonwealth may create research-
174 practice partnerships to improve their understanding of education and workforce outcomes at the
175 local or regional level. The center shall support these efforts by developing policies and
176 procedures to link local data to the data system, in compliance with all state and federal laws to
177 protect individual privacy.

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