

Amendment: 10

GENERAL PROVISIONS - Section 117

Representatives **G.M. SMITH, SIMRILL, AND STAVRINAKIS** propose the following amendment:

New

117. wedo (GP: Workforce and Education Data Oversight Committee) (A)(1) In the current fiscal year, from the funds appropriated to the Revenue and Fiscal Affairs Office, there is established the Workforce and Education Data Oversight Committee to support the mission of the Coordinating Council for Workforce Development as established in Section 13-1-2030. WEDOC is comprised of:

- (a) the Secretary of the Department of Commerce;
 - (b) the State Superintendent of Education;
 - (c) the Executive Director of the State Board for Technical and Comprehensive Education;
 - (d) the Executive Director of the Department of Employment and Workforce;
 - (e) the Executive Director of the Commission on Higher Education;
 - (f) the president or provost of a research university, currently serving on the Coordinating Council for Workforce Development, who is selected by the presidents of the research universities;
 - (g) the president or provost of a four-year college or university, currently serving on the Coordinating Council for Workforce Development, who is selected by the presidents of the four-year universities;
 - (h) the president of a technical college, currently serving on the Coordinating Council for Workforce Development, who is appointed by the Chairman of the State Board for Technical and Comprehensive Education;
 - (2) A vacancy on the committee is filled in the same manner as the original appointment.
 - (3) The Governor shall select the chair of the committee from its voting members.
 - (4) The committee shall meet as necessary to respond to requests or at the call of the chair.
 - (5) A majority of the voting members of the committee constitutes a quorum for the purpose of conducting business. The affirmative vote of a majority of the members of the governance committee is required for the committee to take official action.
 - (6) WEDOC and the office are considered authorized representatives of the State Department of Education and the South Carolina Commission on Higher Education pursuant to applicable federal and state statutes for the purposes of accessing and compiling student record data for audit and evaluation purposes.
- (B)(1) The committee, working in conjunction with the office, shall:

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(a) effectively organize, manage, secure, and analyze educational, workforce, and other data as necessary to achieve the objectives of the Coordinating Council for Workforce Development;

(b) generate timely and accurate information and reports about student progress and outcomes over time, including students' preparation for postsecondary education and the workforce;

(c) support the economic development and other activities of state and local governments;

(d) work with state agencies and other entities participating in the office's data analytics to develop and implement appropriate policies and procedures concerning data quality, integrity, transparency, security, and confidentiality; and

(e) coordinate the provision and delivery of data, as determined by the committee, to ensure that research project timelines and deliverables to stakeholders are met.

(2) The office may employ staff as necessary to administer the tasks of this proviso and to ensure compliance with statutory, regulatory, and other obligations.

(3) The committee, in conjunction with the office, shall oversee the collection, use, and linking of data as necessary to meet its obligations only after:

(a) evaluating the security risks, privacy risks, compliance obligations, and financial requirements; and

(b) implementing and overseeing processes to ensure compliance with statutory, regulatory, and other obligations.

(4) The office may link workforce and education data, as outlined in subsection (E) with medical and health records provided that the office complies with Section 44-6-180 and with the requirements of subsection (E).

(5) All information disseminated by partner agencies to the office, committee, or external stakeholders must conform to state and federal privacy, security, and data breach laws and regulations.

(6) The office, with the consent of the committee, may adopt rules to formalize the process to collect, use, maintain the security of, analyze, and generate reports on data to be overseen by the committee.

(C)(1) The Office of First Steps to School Readiness, the Department of Education, the Commission on Higher Education, the Department of Social Services, the Technical College System, the Department of Commerce, the Department of Employment and Workforce, the Education Oversight Committee, and other agencies of the State, as considered necessary by the committee, that collect relevant data related to educational and workforce outcomes shall submit that data to the office in a timely manner upon the development of the oversight requirements provided in subsection (D) and the execution or amendment of a data sharing agreement with the office detailing, at a minimum, the specific data to be submitted, the frequency and method of submission, and the procedures for authorizing the subsequent use of partner data. Further, these agencies and the office shall ensure:

(a) routine and ongoing compliance with the federal Family Educational Rights and Privacy Act pursuant to 20 U.S.C. 1232g, Federal and State Unemployment Compensation Program, confidentiality and disclosure of state unemployment compensation information pursuant to 20 C.F.R. Part 603, Section 59-1-490, and other relevant privacy and security laws and policies, including the following:

(i) the required use of de-identified data in research and reporting information relating to a specific individual or entity;

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(ii) the required disposition or disposal of information that is no longer needed;
(iii) the maintenance of a data security plan, including the capacity for audit trails and the performance of regular audits for compliance with data privacy and security standards; and
(iv) the implementation of guidelines and policies to prevent the reporting of other data that may potentially be used to identify information relating to a specific individual or entity;

(b) the use of data only in aggregate form in reports and responses to information requests; and

(c) data identifiable based on the size or uniqueness of the data may not be reported.

(2) Other entities, both public and private, may submit to the office relevant data, including data at the individual level, as determined by the committee and working through the office.

(3) Data submitted to the office pursuant to items (1) and (2):

(a) remains under the ownership and direction of the agency submitting the data; and

(b) only may be used for the purposes of this proviso, unless the agency that submitted the data consents to the additional use.

(D)(1) Except as provided in item (2), workforce and education data collected pursuant to this proviso may be used:

(a) for the purposes of improving the effectiveness of the state's educational delivery system on the economic opportunities of individuals and the state's workforce, and to guide state and local decision makers; and

(b) to respond to requests from the State, local agencies, and the General Assembly.

(2) The partner agencies are subject to the following limitations on the use of their education and workforce data:

(a) all material and information products gathered by or disclosed to partner agencies pursuant to this proviso may not be disclosed or discussed with a third party without the prior written consent of the relevant partner agency unless that information is already in the public domain;

(b) before public disclosure, any reports, studies, or other research using matched data must be sent to the partner agencies whose data is being used thirty days before publication; and

(c) partner agencies may request adjustments to research, analysis, or suppression methodology as appropriate.

(3) Data may not be used to identify any particular individual or set of individuals on an individual basis except as required by law enforcement or a court order or in any way that violates state or federal law, except as required by law. The office must notify any affected partner agency of a subpoena requesting a partner's data so that the partner agency may, at its option, object to or move to quash any subpoena. Any court order issued pursuant to this section must include a specific finding that the data sought is necessary for the administration of justice and may be properly disclosed under state and federal law.

(E)(1) The committee shall provide administrative oversight for the usage of the workforce and education data provided in subsection (C).

(2) The chairman of the committee, in consultation with the executive director of the office, shall notify the Governor's Office and the partner agencies immediately in the event of any actual, probable, or reasonably suspected breach of security or any unauthorized access to or acquisition, use, loss, destruction, compromise, alteration, or disclosure of any information under the oversight of the WEDOC. If the chairman is not available, the executive director of the office shall inform the Governor's Office and the partner agencies. If such a security breach or violation of data integrity is confirmed, the Governor shall take action to halt all data activity related to the WEDOC until the issue is resolved. The chairman of the committee or the

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executive director of the office shall notify the committee of the breach and work with the Governor's Office to provide status reports to committee members until appropriate measures have been taken to the satisfaction of the chairman and the Governor to resolve the issue, at which point the Governor shall allow the data activity to resume.

(3) Administrative oversight of workforce and education data includes:

(a) work with the office and other participating state agencies to establish:

(i) a compliance time frame for the submission of data to the office as appropriate to the agency; and

(ii) compliance with the South Carolina Division of Information Security and Enterprise Privacy Office's standards to uphold the security, privacy, and accuracy of all workforce and education data;

(b) development and implementation of a data security and safeguarding plan that includes:

(i) access by authenticated and authorized persons;

(ii) privacy and security compliance standards;

(iii) notification and other procedures in case of a data breach;

(iv) privacy and security audits; and

(v) policies for data retention, disposition, and disposal;

(c) development and implementation of policies to provide routine and ongoing compliance with the federal Family Educational Rights and Privacy Act pursuant to 20 U.S.C. 1232g, Section 59-1-490, and other relevant privacy and security laws and policies;

(d) establishment of the policy and research agenda for workforce and education-related data;

(e) establishment of policies for responding to data requests as it relates to the WEDOC from the State, local agencies, and the General Assembly. No one, including, but not limited to, a member of the General Assembly or a member of the Governor's Office, is authorized to have access to or be in possession of any individual level data within the jurisdiction of the office;

(f) submittal, as part of the annual report required in Section 13-1-2030(B)(1)(g), of the following information for the current fiscal year:

(i) an update concerning the administration of workforce and education data and the committee's activities;

(ii) an overview of all studies performed;

(iii) proposed or planned contractions, changes, or expansions of the data used by the committee; and

(iv) other recommendations made by the office or the committee;

(g) the ability of the committee to review research requirements and set policies for the approval of data requests.

(4) Funding for the development, maintenance, and use of workforce and education data housed at the office must be obtained from appropriations contained in this act or any supplemental appropriations act made by the General Assembly for this purpose. The office may obtain supplemental funding from any of the following sources:

(a) grants or other assistance from local educational agencies or institutions of higher education;

(b) federal grants;

(c) user fees; or

(d) grants or amounts received from other public or private entities.

(5) The office may contract with public or private entities to:

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(a) develop and maintain workforce and education data housed at the office, including analytical and security capabilities, provided contracts made pursuant to this subitem must include:

(i) express provisions that safeguard the privacy and security of all workforce and education data; and

(ii) penalties for failure to comply with the provisions of subsubitem (i);

(b) conduct research in support of the activities and objectives listed in subsection (B); and

(c) conduct research on topics at the request of the committee, the Governor, or the General Assembly.

(F) The committee shall cause a complete audit of the committee's affairs to be made by an independent certified public accountant with copies of the audit report and related documents to be delivered concurrently to the General Assembly and the Governor.

(G) The committee shall ensure that the appropriate controls and safeguards are in place to protect the security and privacy of the data and to guarantee the appropriate use of the data by engaging a qualified, independent third party to perform a security, privacy, and compliance assessment of the office. Such assessment must determine whether the office provides adequate safeguarding of the data, in compliance with relevant state and federal requirements. Such an assessment will be performed prior to implementation, whenever significant system or regulatory changes are enacted, and at least every three years. Unredacted full reports will be available to the Governor's Office, WEDOC members, and the Executive Director of RFA. De-sensitized reports will be provided to partner agencies.

(H) The office or committee may not release individual level data or data that could be used to identify an individual, except as required by law.

(I) While the collection and use of the data for the stated purposes herein are important in meeting the education and workforce goals of the State, they are secondary to the goal of protecting the security and privacy of the data collected and used.

(J) If data integrity is violated, the office shall follow the breach protocol pursuant to Section 1-11-490.

(K) Nothing in this proviso may be construed to restrict or limit an agency's use or control of its data.

(L)(1) In the current fiscal year, in addition to the current members, the following are members of the Coordinating Council for Workforce Development:

(a) the following members appointed by the State Superintendent of Education who have expertise regarding Chapter 59, Title 59, the South Carolina Education and Economic Development Act:

(i) a school district superintendent;

(ii) a school counselor; and

(iii) a career and technology education director;

(b) a representative from the business community appointed by the Governor, who has professional expertise in economic development and workforce issues;

(c) a person appointed by the Chairman of the House Education and Public Works Committee; and

(d) a person appointed by the Chairman of the Senate Education Committee.

(2) A member of the coordinating council may not assign a designee to the council.

(3) In the current fiscal year, in addition to current responsibilities, the coordinating council shall:

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(a) facilitate and coordinate the development of a unified, statewide workforce plan that utilizes longitudinal data and analysis to identify statewide workforce priorities and create measurable, time-sensitive metrics in which all workforce pipeline stakeholders including, but not limited to, education and workforce boards, councils, and partner representatives, participate. The statewide workforce plan must ensure that federal and state requirements are met and agency constituents remain served. The plan also must establish standardized education and workforce terminology and definitions to be used across all agencies and sectors. The plan must identify at least two but not more than four goals to be accomplished in the current fiscal year;

(b) advise appropriate agencies and governing boards to ensure the components of Chapter 59, Title 59, are implemented with fidelity to provide a better prepared workforce, student success in postsecondary education, and enhanced coordination between K-12, higher education, and employers. The council shall review accountability and performance measures for implementation of this proviso and make recommendations for the promulgation of regulations to carry out its provisions including, but not limited to, enforcement procedures, which may include monitoring and auditing functions, and addressing consequences for noncompliance;

(c) utilize longitudinal data and analysis to develop a method for identifying and addressing long-term workforce needs and make evidence-based recommendations to the General Assembly.

(4) The coordinating council is not required to focus primarily on persons over the age of twenty-one or develop a method for identifying and addressing long term workforce needs.

(5) The Secretary of the Department of Commerce is the coordinating council's chairman.

(6) The Department of Education shall provide staff for the coordinating council.

(K) In the current fiscal year, Section 59-59-175 of the 1976 Code is suspended.

(L) As used in this proviso:

(1) 'Office' means the Revenue and Fiscal Affairs Office.

(2) 'Committee' or 'WEDOC' means the Workforce and Education Data Oversight

Committee.

(3) 'Partner agencies' means the Office of First Steps to School Readiness, the Department of Education, the Commission on Higher Education, the Department of Social Services, the Technical College System, the Department of Commerce, the Department of Employment and Workforce, the Education Oversight Committee, and colleges and universities.

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