HOUSE BILL 1154

F1, F5

4lr2632

By: **Delegates George, Boteler, Cluster, Costa, Frank, Glass, Impallaria, Krebs, McConkey, McDermott, Myers, Norman, Parrott, Ready, Schuh, Serafini, Stukes, Szeliga, and Vitale**
Introduced and read first time: February 7, 2014
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Parent Consent and Student Privacy**

3 FOR the purpose of requiring a public school or county board of education to obtain
4   certain data related to a certain student or a family member of the student only
5   from, or with the consent of, the parent or guardian of the student; requiring a
6   public school to provide a certain written notice to each student and the parent
7   or guardian of each student enrolled in the school regarding the collection of
8   certain student data; requiring a public school or county board to obtain a
9   certain written consent before storing certain student data in an electronic
10   format; prohibiting a public school or county board from collecting certain
11   student data after a student graduates from high school; prohibiting a public
12   school or county board from disclosing certain student data to any person,
13   except for a certain required transfer to the Maryland Longitudinal Data
14   System, unless certain information has been removed; authorizing a parent or
15   guardian of a student to choose not to have the student participate in a certain
16   assessment if written notice is provided to the school principal on or before a
17   certain day; requiring a student who is not participating in a certain assessment
18   that is a requirement for graduation from a public high school in the State to
19   complete a certain alternative assessment or project; requiring a county
20   superintendent, a school principal, or any other authorized individual to
21   designate an absence lawful and excuse a student if the parent or guardian of
22   the student provides written notice that the absence is due to a certain
23   objection; requiring an education agency or a State agency to obtain a certain
24   written consent before storing certain student data or transferring certain
25   student data to the Maryland Longitudinal Data System; defining a certain
26   term; and generally relating to parent consent and the privacy of public school
27   students in the State.

28 BY adding to

1   Article – Education
2   Section 7–121 and 7–204.1
3   Annotated Code of Maryland
4   (2008 Replacement Volume and 2013 Supplement)

5 BY repealing and reenacting, with amendments,
6   Article – Education
7   Section 7–301(b) and 24–707(a)
8   Annotated Code of Maryland
9   (2008 Replacement Volume and 2013 Supplement)

10   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12   **Article – Education**

13 **7–121.**

14   **(A)   IN THIS SECTION, "STUDENT DATA" MEANS INFORMATION RELATED**
15 **TO AN INDIVIDUAL STUDENT OR A FAMILY MEMBER OF A STUDENT, INCLUDING:**

16   **(1)   A NAME;**

17   **(2)   A POSTAL ADDRESS;**

18   **(3)   AN ELECTRONIC MAIL ADDRESS;**

19   **(4)   A TELEPHONE OR CELLULAR PHONE NUMBER;**

20   **(5)   DEMOGRAPHIC INFORMATION;**

21   **(6)   A PERSONAL IDENTIFIER, INCLUDING A SOCIAL SECURITY**
22 **NUMBER, STUDENT IDENTIFICATION NUMBER, OR BIOMETRIC RECORD;**

23   **(7)   AN INDIRECT IDENTIFIER, INCLUDING DATE AND PLACE OF**
24 **BIRTH; AND**

25   **(8)   A SCORE ON A STATE OR NATIONAL ASSESSMENT.**

26   **(B)   IF A STUDENT IS UNDER THE AGE OF 18 YEARS, A PUBLIC SCHOOL**
27 **OR COUNTY BOARD SHALL OBTAIN STUDENT DATA ONLY FROM, OR WITH THE**
28 **WRITTEN CONSENT OF, A PARENT OR GUARDIAN OF THE STUDENT.**

1   **(C)** **(1)** A PUBLIC SCHOOL SHALL NOTIFY, IN WRITING, EACH
2   STUDENT AND THE PARENT OR GUARDIAN OF EACH STUDENT ENROLLED IN THE
3   SCHOOL REGARDING THE COLLECTION OF ANY STUDENT DATA.

4   **(2)** THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
5   SUBSECTION SHALL INDICATE:

6   **(I)** THE TYPE OF STUDENT DATA COLLECTED; AND

7   **(II)** WHETHER THE STUDENT DATA WILL BE STORED IN A
8   DATABASE MAINTAINED BY THE SCHOOL OR THE COUNTY BOARD OR
9   TRANSFERRED TO THE MARYLAND LONGITUDINAL DATA SYSTEM.

10   **(D)** STUDENT DATA THAT IS NOT REQUIRED TO TRACK GRADES OR
11   ATTENDANCE MAY NOT BE STORED IN AN ELECTRONIC FORMAT UNLESS A
12   PUBLIC SCHOOL OR COUNTY BOARD OBTAINS WRITTEN CONSENT FROM THE
13   PARENT OR GUARDIAN OF A STUDENT OR FROM A STUDENT WHO IS AT LEAST 18
14   YEARS OLD.

15   **(E)** A PUBLIC SCHOOL OR COUNTY BOARD MAY NOT:

16   **(1)** COLLECT STUDENT DATA RELATED TO A STUDENT AFTER
17   THE STUDENT GRADUATES FROM HIGH SCHOOL; OR

18   **(2)** EXCEPT FOR A TRANSFER OF STUDENT DATA REQUIRED
19   UNDER § 24–707 OF THIS ARTICLE, DISCLOSE STUDENT DATA TO ANY PERSON
20   UNLESS ALL INDIVIDUAL IDENTITY INFORMATION HAS BEEN REMOVED.

21   **7–204.1.**

22   **(A)** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON OR BEFORE
23   THE DAY THAT A SCHOOL ADMINISTERS AN ASSESSMENT UNDER THIS SUBTITLE,
24   A PARENT OR GUARDIAN OF A STUDENT MAY NOTIFY THE SCHOOL PRINCIPAL IN
25   WRITING THAT THE STUDENT WILL NOT PARTICIPATE IN THE ASSESSMENT.

26   **(B)** IF A STUDENT IS NOT PARTICIPATING IN AN ASSESSMENT IN
27   ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION AND THE ASSESSMENT IS
28   A REQUIREMENT FOR GRADUATION FROM A PUBLIC HIGH SCHOOL IN THE
29   STATE, THE STUDENT SHALL COMPLETE ANY ALTERNATIVE ASSESSMENT OR
30   PROJECT THAT IS REQUIRED IN REGULATIONS ADOPTED BY THE STATE BOARD.

31   **7–301.**

1   (b)   **(1)**   A county superintendent, school principal, or an individual
2   authorized by the county superintendent or principal may excuse a student for a
3   lawful absence.

4   **(2)**   **IF A PARENT OR GUARDIAN OF A STUDENT NOTIFIES THE**
5   **COUNTY SUPERINTENDENT, PRINCIPAL, OR OTHER AUTHORIZED INDIVIDUAL IN**
6   **WRITING THAT A STUDENT'S ABSENCE IS DUE TO THE PARENT'S OR GUARDIAN'S**
7   **OBJECTION TO AN ASSESSMENT ADMINISTERED UNDER SUBTITLE 2 OF THIS**
8   **TITLE OR A SPECIFIC LESSON PLAN, THE COUNTY SUPERINTENDENT,**
9   **PRINCIPAL, OR OTHER AUTHORIZED INDIVIDUAL SHALL DESIGNATE THE**
10 **ABSENCE LAWFUL AND EXCUSE THE STUDENT.**

11 24–707.

12   (a)   **(1)**   [Local] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
13 education agencies, community colleges, public senior higher education institutions,
14 and State agencies shall:

15   [(1)]   **(I)**   Make every effort to comply with the data requirements and
16 implementation schedule for the Maryland Longitudinal Data System as set forth by
17 the Governing Board; and

18   [(2)]   **(II)**   Transfer student–level and transcript–level data and
19 workforce data to the Maryland Longitudinal Data System in accordance with the
20 data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

21   **(2)**   **AN EDUCATION AGENCY OR A STATE AGENCY SHALL OBTAIN**
22 **WRITTEN CONSENT FROM THE PARENT OR GUARDIAN OF A STUDENT BEFORE**
23 **STORING OR TRANSFERRING IN AN ELECTRONIC FORMAT ANY**
24 **INDIVIDUAL–LEVEL STUDENT DATA THAT IS NOT REQUIRED FOR TRACKING**
25 **GRADES OR ATTENDANCE.**

26   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2014.