

# HOUSE BILL 245

F1

(9lr1495)

## ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Kaiser, Bartlett, Boyce, Cain, Carey, Cullison, Ebersole, Hettleman, Howard, Ivey, Jones, Korman, Krimm, J. Lewis, R. Lewis, Lierman, Love, Luedtke, McIntosh, Moon, Palakovich Carr, Patterson, Smith, Stewart, C. Watson, ~~and K. Young~~ K. Young, Walker, D. Barnes, Buckel, Feldmark, Guyton, Hornberger, Long, Mosby, Reilly, Rose, Shoemaker, Turner, Washington, and Wilkins**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Education – Student Data Privacy Council**

3 FOR the purpose of establishing the Student Data Privacy Council; providing for the  
4 composition, chair, and staffing of the Council; prohibiting a member of the Council  
5 from receiving certain compensation, but authorizing the reimbursement of certain  
6 expenses; requiring the Council to study and make recommendations regarding  
7 certain matters; requiring the Council to report its findings and recommendations to  
8 the Governor and the General Assembly on or before a certain date; defining a  
9 certain term; providing for the termination of this Act; and generally relating to the  
10 Student Data Privacy Council.

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That:

3 (a) In this section, "Council" means the Student Data Privacy Council.

4 (b) There is a Student Data Privacy Council.

5 (c) The Council consists of the following members:

6 (1) ~~two members~~ one member of the Senate of Maryland, appointed by the  
7 President of the Senate;

8 (2) ~~two members~~ one member of the House of Delegates, appointed by the  
9 Speaker of the House;

10 (3) the State Superintendent of Schools, or the Superintendent's designee;

11 (4) ~~the Attorney General, or the Attorney General's designee;~~

12 ~~(5) the President of the State Board of Education, or the President's~~  
13 ~~designee;~~

14 ~~(6)~~ the Secretary of Information Technology, or the Secretary's designee;

15 ~~(7)~~ (5) the Executive Director of the Public School Superintendents'  
16 Association of Maryland, or the Executive Director's designee;

17 ~~(8)~~ (6) the Executive Director of the Maryland Association of Boards of  
18 Education, or the Executive Director's designee;

19 ~~(9)~~ (7) the President of the Maryland State Education Association, or the  
20 President's designee;

21 ~~(10)~~ (8) the President of the Maryland PTA, or the President's designee;  
22 and

23 ~~(11)~~ (9) the following members appointed by the Chair of the Council:

24 (i) one School Data Privacy Officer, or the Officer's designee;

25 (ii) one School Information Technology Officer, or the Officer's  
26 designee;

27 (iii) ~~two representatives of companies, trade associations, or groups~~  
28 ~~who have~~ one representative of a company, trade association, or group who has professional  
29 experience in the area of student data privacy or online educational technology services;

1 (iv) ~~two members~~ one member of the academic community who ~~study~~  
 2 studies K–12 student data privacy; ~~and~~

3 (v) ~~two advocates~~ one advocate for student data privacy who ~~do~~ does  
 4 not have a professional relationship with a provider of online educational technology  
 5 services;

6 (vi) one attorney who is knowledgeable in the laws and regulations  
 7 that pertain to local school systems;

8 (vii) one school-based administrator from a public school in the State;  
 9 and

10 (viii) one teacher from a public school in the State;~~and~~

11 ~~(vi) two parents of a student enrolled in a public school in the State.~~

12 (d) The State Superintendent of Schools or the Superintendent's designee shall  
 13 chair the Council and is responsible for the administration of the Council.

14 (e) The State Department of Education shall provide staff for the Council.

15 (f) A member of the Council:

16 (1) may not receive compensation as a member of the Council; but

17 (2) is entitled to reimbursement for expenses under the Standard State  
 18 Travel Regulations, as provided in the State budget.

19 (g) The Council shall:

20 (1) study the development and implementation of the Student Data  
 21 Privacy Act of 2015 to evaluate the impact of the Act on:

22 (i) the protection of covered information from unauthorized access,  
 23 destruction, use, modification, or disclosure;

24 (ii) the implementation and maintenance of reasonable security  
 25 procedures and practices to protect covered information under the Act; and

26 (iii) the implementation and maintenance of reasonable privacy  
 27 controls to protect covered information under the Act;

28 (2) review and analyze similar laws and best practices in other states;

1 (3) review and analyze developments in technologies as they may relate to  
2 student data privacy; and

3 (4) make recommendations regarding:

4 (i) statutory and regulatory changes to the Student Data Privacy  
5 Act based on the findings of the Council; and

6 (ii) repealing the termination date on the Act that established the  
7 Council to allow the Council to continue its evaluation of student data privacy in the State  
8 on a permanent basis.

9 (h) On or before December 31, 2020, the Student Data Privacy Council shall  
10 report its findings and recommendations to the Governor and, in accordance with § 2-1246  
11 of the State Government Article, the General Assembly.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
13 1, 2019. It shall remain effective for a period of 2 years and, at the end of May 31, 2021,  
14 this Act, with no further action required by the General Assembly, shall be abrogated and  
15 of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.