

HOUSE BILL 1206

F5

9lr2213

By: **Delegates Kaiser, Cain, Feldmark, Guyton, Hornberger, Luedtke,
Palakovich Carr, Patterson, and Rose**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

CHAPTER _____

1 AN ACT concerning

2 **Maryland Longitudinal Data System Center – Data Matching**

3 FOR the purpose of requiring each county board of education to convert certain student
4 information into census tract and block numbers in a certain manner; requiring the
5 State Department of Education to collect certain information from each county
6 board; requiring the Department to provide certain information to the Maryland
7 Longitudinal Data System Center; ~~providing a certain exception to the prohibition~~
8 ~~that the Center may not release or sell certain information;~~ requiring the Center and
9 the Comptroller to jointly develop a certain protocol for the transfer and matching of
10 certain information to produce certain aggregated information; requiring the Center
11 and the Comptroller to jointly develop certain data privacy and security standards
12 for the Comptroller to utilize for a certain protocol; requiring the Comptroller to
13 comply with data privacy and security standards in a certain manner; requiring the
14 Center to develop a certain protocol for county boards and the Department to convert
15 and collect certain information; requiring the Governor to include a certain amount
16 in the annual State budget in certain fiscal years; requiring the Comptroller to match
17 certain information and produce certain aggregated data on average wage or salary
18 earnings from certain individuals; defining certain terms; and generally relating to
19 data matching by the Maryland Longitudinal Data System Center.

20 BY adding to

21 Article – Education

22 Section 4–113.1, 24–703.2, and 24–703.3

23 Annotated Code of Maryland

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.



1 (2018 Replacement Volume and 2018 Supplement)

2 BY repealing and reenacting, without amendments,
 3 Article – Education
 4 Section ~~24-703(a) and (f)~~ 24-703(a), (f), and (g)
 5 Annotated Code of Maryland
 6 (2018 Replacement Volume and 2018 Supplement)

7 ~~BY repealing and reenacting, with amendments,~~
 8 ~~Article – Education~~
 9 ~~Section 24-703(g)~~
 10 ~~Annotated Code of Maryland~~
 11 ~~(2018 Replacement Volume and 2018 Supplement)~~

12 BY adding to
 13 Article – State Government
 14 Section 4-112
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2018 Supplement)

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

19 **Article – Education**

20 **4-113.1.**

21 **(A) EACH COUNTY BOARD SHALL CONVERT A STUDENT’S HOME ADDRESS**
 22 **AND GEOLOCATION INFORMATION INTO CENSUS TRACT AND BLOCK NUMBERS IN A**
 23 **MANNER AND FORMAT THAT ARE CONSISTENT WITH THE PROTOCOL DEVELOPED BY**
 24 **THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER UNDER § 24-703.3 OF THIS**
 25 **ARTICLE.**

26 **(B) THE DEPARTMENT SHALL COLLECT FROM EACH COUNTY BOARD**
 27 **CENSUS TRACT AND BLOCK NUMBER INFORMATION FOR EACH STUDENT IN THE**
 28 **COUNTY.**

29 **(C) THE DEPARTMENT SHALL PROVIDE THE MARYLAND LONGITUDINAL**
 30 **DATA SYSTEM CENTER WITH THE CENSUS TRACT AND BLOCK NUMBER**
 31 **INFORMATION COLLECTED UNDER THIS SECTION TO AID THE MARYLAND**
 32 **LONGITUDINAL DATA SYSTEM CENTER’S GOAL UNDER § 24-702 OF THIS ARTICLE**
 33 **OF LINKING STUDENT DATA AND WORKFORCE DATA.**

34 24-703.

35 (a) There is a Maryland Longitudinal Data System Center.

1 (f) The Center shall perform the following functions and duties:

2 (1) Serve as a central repository of student data and workforce data in the
3 Maryland Longitudinal Data System, including data sets provided by:

4 (i) The State Department of Education;

5 (ii) Local education agencies;

6 (iii) The Maryland Higher Education Commission;

7 (iv) Institutions of higher education; and

8 (v) The Department of Labor, Licensing, and Regulation;

9 (2) Oversee and maintain the warehouse of the Maryland Longitudinal
10 Data System data sets;

11 (3) Ensure routine and ongoing compliance with the federal Family
12 Educational Rights and Privacy Act and other relevant privacy laws and policies, including:

13 (i) The required use of de-identified data in data research and
14 reporting;

15 (ii) The required disposition of information that is no longer needed;

16 (iii) Providing data security, including the capacity for audit trails;

17 (iv) Providing for performance of regular audits for compliance with
18 data privacy and security standards; and

19 (v) Implementing guidelines and policies that prevent the reporting
20 of other potentially identifying data;

21 (4) Conduct research using timely and accurate student data and
22 workforce data to improve the State's education system and guide decision making by State
23 and local governments, educational agencies, institutions, teachers, and other education
24 professionals;

25 (5) Conduct research relating to:

26 (i) The impact of State and federal education programs;

27 (ii) The performance of educator preparation programs; and

1 (iii) Best practices regarding classroom instruction, education
2 programs and curriculum, and segment alignment;

3 (6) Fulfill information and data requests to facilitate State and federal
4 education reporting with existing State agencies as appropriate; and

5 (7) Fulfill approved public information requests.

6 (g) (1) Direct access to data in the Maryland Longitudinal Data System shall
7 be restricted to authorized staff of the Center.

8 (2) The Center may only use de-identified data in the analysis, research,
9 and reporting conducted by the Center.

10 (3) The Center may only use aggregate data in the release of data in reports
11 and in response to data requests.

12 (4) Data that may be identifiable based on the size or uniqueness of the
13 population under consideration may not be reported in any form by the Center.

14 (5) ~~{The} EXCEPT AS PROVIDED IN § 24-703.2 OF THIS SUBTITLE, THE~~
15 Center may not release or sell information that may not be disclosed under the federal
16 Family Educational Rights and Privacy Act and other relevant privacy laws and policies.

17 **24-703.2.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "AGGREGATED DATA" MEANS DE-IDENTIFIED DATA THAT IS
21 SUMMARIZED BY TYPE OF PROGRAM OF STUDY OR EDUCATIONAL INSTITUTION.

22 (3) "STUDENT INFORMATION" MEANS:

23 (I) STUDENT SOCIAL SECURITY NUMBER;

24 (II) PROGRAM OF STUDY;

25 (III) ENROLLMENT; AND

26 (IV) NAME OF EDUCATIONAL INSTITUTION.

27 (4) "TAX INFORMATION" MEANS INCOME TAX RECORDS, WAGE
28 INFORMATION, AND OTHER DATA STORED BY THE COMPTROLLER.

1 **(B) (1) THE CENTER AND THE COMPTROLLER JOINTLY SHALL DEVELOP**
2 **A PROTOCOL FOR RESEARCH PURPOSES FOR THE:**

3 **(I) CENTER TO SEND STUDENT INFORMATION TO THE**
4 **COMPTROLLER;**

5 **(II) COMPTROLLER TO MATCH STUDENT INFORMATION TO TAX**
6 **INFORMATION; AND**

7 **(III) COMPTROLLER TO PRODUCE AGGREGATED DATA FROM**
8 **THE MATCHED INFORMATION ON THE AVERAGE AMOUNT OF WAGE OR SALARY**
9 **EARNINGS FROM SELF-EMPLOYMENT OR OTHER SOURCES OF INCOME FOR**
10 **INDIVIDUALS WITHIN EACH EDUCATIONAL INSTITUTION OR PROGRAM OF STUDY.**

11 **(2) THE COMPTROLLER MAY NOT PRODUCE ANY AGGREGATED DATA**
12 **THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE**
13 **POPULATION UNDER CONSIDERATION.**

14 **(C) THE CENTER AND THE COMPTROLLER JOINTLY SHALL DEVELOP DATA**
15 **HANDLING AND SECURITY STANDARDS FOR THE COMPTROLLER TO UTILIZE FOR**
16 **THE PROTOCOL, INCLUDING:**

17 **(1) DATA RETENTION AND DISPOSITION POLICIES;**

18 **(2) AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED**
19 **ACCESS POLICIES;**

20 **(3) PRIVACY COMPLIANCE STANDARDS; AND**

21 **(4) BREACH NOTIFICATION AND PROCEDURES.**

22 **(D) THE COMPTROLLER SHALL COMPLY WITH ANY DATA PRIVACY AND**
23 **SECURITY STANDARDS IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL**
24 **RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.**

25 **24-703.3.**

26 **(A) THE CENTER SHALL DEVELOP A PROTOCOL THAT IS FULLY ALIGNED**
27 **WITH THE CENTER'S DATA SETS AND SECURITY STANDARDS FOR:**

28 **(1) A COUNTY BOARD TO CONVERT A STUDENT'S HOME ADDRESS AND**
29 **GEOLOCATION INFORMATION INTO CENSUS TRACT AND BLOCK NUMBERS; AND**

1 **(2) THE COMPTROLLER MAY NOT PRODUCE ANY AGGREGATED DATA**
2 **THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE**
3 **POPULATION UNDER CONSIDERATION.**

4 **(C) THE COMPTROLLER SHALL FOLLOW AND UTILIZE PRIVACY AND**
5 **SECURITY STANDARDS DEVELOPED FOR THE PROTOCOL, INCLUDING:**

6 **(1) DATA RETENTION AND DISPOSITION POLICIES;**

7 **(2) AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED**
8 **ACCESS POLICIES;**

9 **(3) PRIVACY COMPLIANCE STANDARDS; AND**

10 **(4) BREACH NOTIFICATION AND PROCEDURES.**

11 **(D) THE COMPTROLLER SHALL COMPLY WITH ANY DATA PRIVACY AND**
12 **SECURITY STANDARDS IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL**
13 **RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.