

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 359
Ways and Means

(Delegate Guyton)

**Maryland Longitudinal Data System – Student Data – Pregnant and Parenting
Students**

This bill adds data on pregnant and parenting students to the data collected, organized, managed, disaggregated, reported on, and analyzed by the Maryland Longitudinal Data System (MLDS) Center. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: To the extent data on pregnant and parenting students can be collected in compliance with federal privacy laws, the bill can likely be implemented using existing resources, as discussed below. Revenues are not affected.

Local Effect: Local school systems and, if applicable, community colleges can likely collect and transmit the data using existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Chapter 190 of 2010 established MLDS to contain individual-level student data and workforce data from all levels of education and the State’s workforce. The legislation also established the MLDS Center within State government to serve as a central repository for the data, to ensure compliance with federal privacy laws, to perform research on the data sets, and to fulfill education reporting requirements and approved public information requests. The MLDS Center is administratively housed within the Maryland State Department of Education (MSDE).

The purpose of the data system is to facilitate and enable the exchange of student data among agencies and institutions within the State as well as generate timely and accurate information about student achievement that can be used to improve the State's education system and guide decision makers at all levels. The data system allows users to effectively organize, manage, disaggregate, and analyze individual student data and to examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.

The MLDS Center may only use de-identified data in the analysis, research, and reporting conducted by the center. The center may only use aggregate data in the release of data in reports and in response to data requests.

Student data collected by MLDS includes State and national assessments; course taking and completion; grade point average; remediation; retention; degree, diploma, or credential attainment; enrollment; demographic data; juvenile delinquency records; and elementary and secondary school disciplinary records. Criminal records, children in need of assistance records, and medical and health records are specifically excluded from the types of data that MLDS may collect.

The MLDS governing board decides the specifics on incorporating new data elements into MLDS.

Local school systems, community colleges, public four-year institutions of higher education, and State agencies are required to transfer student-level and transcript-level data as well as workforce data to MLDS.

State and Local Expenditures: The Maryland Higher Education Commission (MHEC) and MSDE advise that it is unclear if information on pregnant and parenting students can be collected in compliance with federal privacy laws including the Family Educational Rights and Privacy Act (known as FERPA) and the Health Insurance Portability and Accountability Act (known as HIPAA). These federal privacy laws apply to postsecondary students at higher education institutions as well as elementary and secondary students.

If the information can be collected in compliance with federal law, then local school systems can likely absorb any additional cost associated with collecting a new data element within existing budgeted resources. Any data that is collected by local school systems can be transmitted to MSDE, and then to the MLDS Center, using existing resources.

The MLDS Center advises it can incorporate the new data element into MLDS with existing resources.

MHEC advises that it does not intend to collect information on pregnant and parenting students in postsecondary education as it believes the intent is to collect data from public schools only. However, if the intent is otherwise, public higher education institutions, including local community colleges, can likely collect the information (if it can be collected in compliance with federal law as discussed above) using existing resources. Any data that is collected by higher education institutions can be transmitted to MHEC, and then to the MLDS Center, using existing resources.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 437 (Senator Washington, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Maryland Higher Education Commission; Maryland Longitudinal Data System Center; Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2021
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