

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Chair, Education, Health, and Environmental Affairs
Committee (By Request - Departmental - Education)**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Government - Forms Management - Extension of Implementation Date**
3 **for School Data**

4 FOR the purpose of requiring a local education agency to implement a training
5 program for certain school personnel; requiring a local education agency to allow
6 parents and guardians to decline from including race or ethnicity information on
7 school registration and data collection forms; extending the implementation date
8 for the applicability of certain standards for data collection forms for schools,
9 school systems, and the State Department of Education; and generally relating
10 to data collection forms.

11 BY repealing and reenacting, without amendments,
12 Article - State Government
13 Section 10-606
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, without amendments,
2 Chapter 459 of the Acts of the General Assembly of 1998, as amended by
3 Chapter 91 of the Acts of the General Assembly of 2000 and Chapter 467 of
4 the Acts of the General Assembly of 2003
5 Section 2

6 BY repealing and reenacting, with amendments,
7 Chapter 459 of the Acts of the General Assembly of 1998, as amended by
8 Chapter 91 of the Acts of the General Assembly of 2000 and Chapter 467 of
9 the Acts of the General Assembly of 2003
10 Section 3

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

13 **Article - State Government**

14 10-606.

15 (a) The plan shall:

16 (1) ensure that the forms management officer approves the use of a form
17 by the department or independent unit only if the form:

18 (i) is needed for the effective or efficient operation of the
19 department or independent unit;

20 (ii) requests information that is needed for or relevant to a lawful
21 purpose of the department or independent unit;

22 (iii) does not impose an undue burden on the individual who is to
23 complete the form;

24 (iv) is as brief, as plainly written, as well designed, and as easily
25 completed as possible; and

26 (v) does not duplicate unnecessarily:

27 1. another form of the department or independent unit; or

28 2. a form of another department or independent unit;

29 (2) require a register of the forms that the forms management officer
30 approves;

31 (3) require identification of each form in accordance with a standard
32 identification system of the Division;

33 (4) provide for the most economical system by which to prepare,
34 reproduce, and use a form; and

- 1 (5) require the forms management officer:
- 2 (i) to review periodically each form that has been approved to
3 determine whether the officer still approves the form; and
- 4 (ii) if not, to remove the form from the register.
- 5 (b) In addition to any duties set forth elsewhere, the Division shall:
- 6 (1) develop a standard identification system to identify forms;
- 7 (2) help each department and independent unit to:
- 8 (i) develop a proposed plan; and
- 9 (ii) coordinate the proposed plan with other plans;
- 10 (3) review each proposed plan;
- 11 (4) approve each proposed plan that meets the requirements of this
12 section; and
- 13 (5) monitor and help in the administration of each plan to ensure
14 compliance.
- 15 (c) (1) In the preparation of a form that requires identification of
16 individuals by race, a department or independent unit shall include the following
17 racial categories:
- 18 (i) American Indian or Alaska Native;
- 19 (ii) Asian;
- 20 (iii) Black or African American;
- 21 (iv) Native Hawaiian or other Pacific Islander; and
- 22 (v) White.
- 23 (2) A form that requires identification of individuals by race shall
24 include instructions that multiracial respondents may select all applicable racial
25 categories.
- 26 (3) (i) Respondents shall select their own answers, except when it is
27 not possible for the respondent to do so.
- 28 (ii) In the event that a respondent is not able to select an answer,
29 an observer, such as a family member or friend, may select the answer on behalf of
30 the respondent.

1 (4) A form that requires identification of individuals by race shall
2 include a separate question about whether a respondent is of Hispanic or Latino
3 origin, with the question preceding the racial category question.

4 **Chapter 459 of the Acts of 1998, as amended by Chapter 91 of the Acts of 2000**
5 **and Chapter 467 of the Acts of 2003**

6 SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided in
7 Section 3 of this Act, the standards enacted under this Act shall be applicable to a
8 data collection form that is created or revised after the effective date of this Act, and
9 the standards shall be applicable to all data collection forms no later than January 1,
10 2002.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the standards shall be
12 applicable to all data collection forms for schools, school systems, and the State
13 Department of Education by ~~July 1, [2006]~~ ~~2009~~ December 1, 2007, or by the date
14 established by the United States Department of Education, whichever occurs sooner.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) Each local education agency shall implement a training program for school
17 registrars and personnel who record or register the racial or ethnic categories of
18 students.

19 (b) A local education agency shall allow a parent or guardian to decline from
20 including race or ethnicity information on school registration and data collection
21 forms.

22 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect June 1, 2006.