

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 275

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “workforce;” insert “limiting the linkage of certain student and workforce data under the Maryland Longitudinal Data System to a certain period of time;”; in line 9, strike “and duties” and substitute “, duties, and requirements;”; in the same line, after “Center;” insert “providing that the Center shall be considered an authorized representative of certain State educational agencies for certain purposes;”; in line 15, after “System” insert “and to transfer certain data to the Maryland Longitudinal Data System in accordance with a certain plan;”; in line 16, strike “to provide student data for” and substitute “to transfer certain data to;”; in line 17, after “System” insert “in accordance with a certain plan;”; in line 18, after “reports;” insert “requiring the Center to adopt certain regulations;”; in the same line, after “terms;” insert “requiring the Governing Board to submit a certain plan to the Governor and the General Assembly on or before a certain date; requiring the Governing Board to brief certain legislative committees on or before a certain date regarding a certain plan; expressing a certain intent of the General Assembly; providing for the termination of a certain provision of this Act;”; and in line 22, strike “24-706” and substitute “24-707”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“(F) (1) “STUDENT DATA” MEANS DATA RELATING TO STUDENT PERFORMANCE.

(2) “STUDENT DATA” INCLUDES:

(I) STATE AND NATIONAL ASSESSMENTS;

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(II) COURSE-TAKING AND COMPLETION;

(III) GRADE POINT AVERAGE;

(IV) REMEDICATION;

(V) RETENTION;

(VI) DEGREE, DIPLOMA, OR CREDENTIAL ATTAINMENT;

(VII) ENROLLMENT; AND

(VIII) DEMOGRAPHIC DATA.

(3) “STUDENT DATA” DOES NOT INCLUDE:

(I) JUVENILE DELINQUENCY RECORDS;

(II) CRIMINAL AND CINA RECORDS;

(III) MEDICAL AND HEALTH RECORDS; AND

(IV) DISCIPLINE RECORDS.

(G) “WORKFORCE DATA” MEANS DATA RELATING TO:

(1) EMPLOYMENT STATUS;

(2) WAGE INFORMATION;

- (3) GEOGRAPHIC LOCATION OF EMPLOYMENT; AND
- (4) EMPLOYER INFORMATION.

On page 2, strike beginning with “THAT” in line 24 down through “2014” in line 25; in line 27, after the second “DATA” insert “AND WORKFORCE DATA”; and in line 28, strike “USERS” and substitute “THE CENTER”.

AMENDMENT NO. 3

On page 3, after line 3, insert:

“(C) THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA FOR THE PURPOSES OF THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE LIMITED TO NO LONGER THAN 5 YEARS FROM THE DATE OF LATEST ATTENDANCE IN ANY EDUCATIONAL INSTITUTION IN THE STATE.”;

in line 4, strike “(C)” and substitute “(D)”; strike in their entirety lines 6 and 7; in line 8, strike “(2)” and substitute “(1)”; in line 9, strike “ACHIEVEMENT” and substitute “PERFORMANCE”; and in line 10, after “LEVELS” insert “; AND”

(2) FACILITATE AND ENABLE THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA”;

after line 21, insert:

“(E) THE CENTER SHALL BE CONSIDERED AN AUTHORIZED REPRESENTATIVE OF THE STATE DEPARTMENT OF EDUCATION AND THE MARYLAND HIGHER EDUCATION COMMISSION UNDER APPLICABLE FEDERAL

AND STATE STATUTES FOR PURPOSES OF ACCESSING AND COMPILING STUDENT RECORD DATA FOR RESEARCH PURPOSES.”;

in line 22, strike “(E)” and substitute “(F)”;

and in line 24, strike “THE DATA” and substitute “STUDENT DATA AND WORKFORCE DATA”.

AMENDMENT NO. 4

On page 4, in line 1, after “EDUCATION;” insert “AND”; in line 3, strike “AND”; in line 4, strike “(VI) THE GOVERNOR’S WORKFORCE INVESTMENT BOARD;”; in line 14, after “SECURITY” insert “, INCLUDING THE CAPACITY FOR AUDIT TRAILS”; in the same line, strike “AND”; after line 14, insert:

“(IV) PROVIDING FOR PERFORMANCE OF REGULAR AUDITS FOR COMPLIANCE WITH DATA PRIVACY AND SECURITY STANDARDS; AND”;

in line 15, strike “(IV)” and substitute “(V)”;

in line 17, strike “PERFORM” and substitute “CONDUCT”; in line 18, strike “ACHIEVEMENT DATA” and substitute “DATA AND WORKFORCE DATA”; after line 21, insert:

“(5) CONDUCT RESEARCH RELATING TO:

(I) THE IMPACT OF STATE AND FEDERAL EDUCATION PROGRAMS;

(II) THE PERFORMANCE OF EDUCATOR PREPARATION PROGRAMS; AND

(III) BEST PRACTICES REGARDING CLASSROOM INSTRUCTION, EDUCATION PROGRAMS AND CURRICULUM, AND SEGMENT ALIGNMENT;”;

in lines 22 and 24, strike “(5)” and “(6)”, respectively, and substitute “(6)” and “(7)”, respectively; in line 22, strike “FACILITATE” and substitute “FULFILL INFORMATION AND DATA REQUESTS TO FACILITATE”; after line 24, insert:

“(G) (1) DIRECT ACCESS TO DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE RESTRICTED TO AUTHORIZED STAFF OF THE CENTER.

(2) THE CENTER MAY ONLY USE DE-IDENTIFIED DATA IN THE ANALYSIS, RESEARCH, AND REPORTING CONDUCTED BY THE CENTER.

(3) THE CENTER MAY ONLY USE AGGREGATE DATA IN THE RELEASE OF DATA IN REPORTS AND IN RESPONSE TO DATA REQUESTS.

(4) DATA THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR UNIQUENESS OF THE POPULATION UNDER CONSIDERATION MAY NOT BE REPORTED IN ANY FORM BY THE CENTER.

(5) THE CENTER MAY NOT RELEASE INFORMATION THAT MAY NOT BE DISCLOSED UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.”;

and in line 25, strike “(F)” and substitute “(H)”.

AMENDMENT NO. 5

On page 5, strike in their entirety lines 22 and 23, inclusive; after line 23, insert:

“(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR’S DESIGNEE; AND”;

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and in line 27, after “SYSTEMS” insert “AND DATA SECURITY”.

AMENDMENT NO. 6

On page 7, strike in their entirety lines 1 through 3, inclusive; after line 3, insert:

“(6) BEFORE THE INCORPORATION OF ANY INDIVIDUAL DATA IN THE MARYLAND LONGITUDINAL DATA SYSTEM:

(I) CREATE AN INVENTORY OF THE INDIVIDUAL STUDENT DATA:

1. PROPOSED TO BE MAINTAINED IN THE SYSTEM;

AND

2. REQUIRED TO BE REPORTED BY STATE AND FEDERAL EDUCATION MANDATES;

(II) DEVELOP AND IMPLEMENT POLICIES TO COMPLY WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND ANY OTHER PRIVACY MEASURES, AS REQUIRED BY LAW OR THE GOVERNING BOARD;

AND

(III) DEVELOP A DETAILED DATA SECURITY AND SAFEGUARDING PLAN THAT INCLUDES:

1. AUTHORIZED ACCESS AND AUTHENTICATION FOR AUTHORIZED ACCESS;

2. PRIVACY COMPLIANCE STANDARDS;
3. PRIVACY AND SECURITY AUDITS;
4. BREACH NOTIFICATION AND PROCEDURES; AND
5. DATA RETENTION AND DISPOSITION POLICIES;

(7) OVERSEE ROUTINE AND ONGOING COMPLIANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES;

(8) ENSURE THAT ANY CONTRACTS THAT GOVERN DATABASES THAT ARE OUTSOURCED TO PRIVATE VENDORS INCLUDE EXPRESS PROVISIONS THAT SAFEGUARD PRIVACY AND SECURITY AND INCLUDE PENALTIES FOR NONCOMPLIANCE;

in lines 4 and 8, strike “(7)” and “(8)”, respectively, and substitute “(9)” and “(10)”, respectively; and in line 8, after “FOR” insert “THE APPROVAL OF”.

AMENDMENT NO. 7

On page 7, strike in their entirety lines 12 through 20, inclusive; strike in their entirety lines 24 through 27, inclusive; and after line 27, insert:

“(B) THE REPORT SHALL INCLUDE:

(1) AN UPDATE ON THE IMPLEMENTATION OF THE MARYLAND LONGITUDINAL DATA SYSTEM AND THE CENTER’S ACTIVITIES;

(2) A LIST OF ALL STUDIES PERFORMED BY THE CENTER DURING THE REPORTING PERIOD;

(3) A LIST OF CURRENTLY WAREHOUSED DATA THAT IS DETERMINED TO BE NO LONGER NECESSARY TO CARRY OUT THE MISSION OF THE CENTER;

(4) ANY PROPOSED OR PLANNED EXPANSION OF DATA MAINTAINED IN THE DATABASE; AND

(5) ANY OTHER RECOMMENDATIONS MADE BY THE GOVERNING BOARD.

24-706.

THE CENTER SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

24-707.

(A) LOCAL EDUCATION AGENCIES, COMMUNITY COLLEGES, PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS, AND STATE AGENCIES SHALL:

(1) MAKE EVERY EFFORT TO COMPLY WITH THE DATA REQUIREMENTS AND IMPLEMENTATION SCHEDULE FOR THE MARYLAND LONGITUDINAL DATA SYSTEM AS SET FORTH BY THE GOVERNING BOARD; AND

(2) TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24-704(G)(6) OF THIS SUBTITLE.

(B) PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE SECONDARY SCHOOLS MAY TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24-704(G)(6) OF THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That before the incorporation of any individual data in the Maryland Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data Center shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on:

(1) the inventory of individual student data proposed to be maintained in the system; and

(2) the policies of the Center to comply with the federal Family Educational Rights and Privacy Act, and other privacy measures required by law or the Governing Board.

SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 1, 2010, and before the incorporation of any individual data in the Maryland Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data System Center shall submit a data security and safeguarding plan for the Center that

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considers an opt-out provision to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly. On or before February 1, 2011, the Governing Board shall brief the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding the plan.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that federal or other funds that are not from the General Fund of the State be used first for the funding of the creation and establishment of the Maryland Longitudinal Data System and the Maryland Longitudinal Data System Center.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Longitudinal Data System and the Maryland Longitudinal Data System Center be fully operational on or before December 31, 2014.”.

AMENDMENT NO. 8

On page 7, in line 28, strike “2.” and substitute “7.”; in the same line, after “That” insert “Section 2 of”; and in line 29, after the period insert “It shall remain effective for a period of 1 year and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”

SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Section 7 of this Act, this Act shall take effect July 1, 2010.”.