

# SENATE BILL 945

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By: **Senator Pinsky**

Introduced and read first time: February 14, 2013

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Maryland Longitudinal Data System – Governing Board**  
3 **and Data Transfers**

4 FOR the purpose of adding the President of the Maryland Independent College and  
5 University Association, or the President's designee, to the Governing Board of  
6 the Maryland Longitudinal Data System Center; requiring private nonprofit  
7 institutions of higher education that receive State funds to transfer certain  
8 student data to the Maryland Longitudinal Data System in accordance with a  
9 certain plan; establishing that a certain institution of higher education or  
10 postsecondary education that transfers or discloses student-level data to the  
11 Maryland Longitudinal Data System in accordance with a certain plan is not  
12 liable for a breach of confidentiality or a disclosure, use, retention, or  
13 destruction of the data that results from an act or omission by the Maryland  
14 Longitudinal Data System Center, a State agency, or a certain person;  
15 establishing that if the Maryland Independent College and University  
16 Association transfers or discloses student-level data to the Maryland  
17 Longitudinal Data System or a State agency on behalf of a private nonprofit  
18 institution of higher education in accordance with a certain plan, the association  
19 is not liable for a breach of confidentiality or a disclosure, use, retention, or  
20 destruction of the data that results from an act or omission by the Maryland  
21 Longitudinal Data System Center, a State agency, or a certain person; and  
22 generally relating to the Maryland Longitudinal Data System.

23 BY repealing and reenacting, without amendments,  
24 Article – Education  
25 Section 24-701(a), (b), and (d) and 24-704(a) and (g)(6)  
26 Annotated Code of Maryland  
27 (2008 Replacement Volume and 2012 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 24–704(b) and 24–707  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2012 Supplement)

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

6 **Article – Education**

7 24–701.

8 (a) In this subtitle the following words have the meanings indicated.

9 (b) “Center” means the Maryland Longitudinal Data System Center.

10 (d) “Governing Board” means the Governing Board of the Maryland  
11 Longitudinal Data System Center.

12 24–704.

13 (a) There is a Governing Board of the Center.

14 (b) The Governing Board shall include the following members:

15 (1) The Secretary of Higher Education, or the Secretary’s designee;

16 (2) The Chancellor of the University System of Maryland, or the  
17 Chancellor’s designee;

18 (3) The President of Morgan State University, or the President’s  
19 designee;

20 (4) The State Superintendent of Schools, or the Superintendent’s  
21 designee;

22 (5) The Secretary of Labor, Licensing, and Regulation, or the  
23 Secretary’s designee;

24 (6) A representative of local superintendents of schools, appointed by  
25 the Governor with the advice and consent of the Senate;

26 (7) The Executive Director of the Maryland Association of Community  
27 Colleges, or the Executive Director’s designee; [and]

28 **(8) THE PRESIDENT OF THE MARYLAND INDEPENDENT COLLEGE**  
29 **AND UNIVERSITY ASSOCIATION, OR THE PRESIDENT’S DESIGNEE; AND**

1                   **[(8)] (9)**     Four members of the public, appointed by the Governor with  
2 the advice and consent of the Senate.

3           (g)     The Governing Board shall:

4                   (6)     Before the incorporation of any individual data in the Maryland  
5 Longitudinal Data System:

6                           (i)     Create an inventory of the individual student data:

7                                   1.     Proposed to be maintained in the system; and

8                                   2.     Required to be reported by State and federal  
9 education mandates;

10                           (ii)     Develop and implement policies to comply with the federal  
11 Family Educational Rights and Privacy Act and any other privacy measures, as  
12 required by law or the Governing Board; and

13                           (iii)     Develop a detailed data security and safeguarding plan that  
14 includes:

15                                   1.     Authorized access and authentication for authorized  
16 access;

17                                   2.     Privacy compliance standards;

18                                   3.     Privacy and security audits;

19                                   4.     Breach notification and procedures; and

20                                   5.     Data retention and disposition policies;

21     24–707.

22           (a)     Local education agencies, community colleges, public senior higher  
23 education institutions, and State agencies shall:

24                           (1)     Make every effort to comply with the data requirements and  
25 implementation schedule for the Maryland Longitudinal Data System as set forth by  
26 the Governing Board; and

27                           (2)     Transfer student–level and transcript–level data and workforce  
28 data to the Maryland Longitudinal Data System in accordance with the data security  
29 and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

1 (b) Private secondary schools may transfer student data and workforce data  
2 to the Maryland Longitudinal Data System in accordance with the data security and  
3 safeguarding plan developed under § 24-704(g)(6) of this subtitle.

4 (c) (1) For-profit [and] INSTITUTIONS OF HIGHER EDUCATION, private  
5 nonprofit institutions of higher education THAT DO NOT RECEIVE STATE FUNDS,  
6 and institutions of postsecondary education that are required to register under §  
7 11-202.2 of this article shall transfer student-level enrollment data, degree data, and  
8 financial aid data for all Maryland residents to the Maryland Longitudinal Data  
9 System in accordance with the data security and safeguarding plan developed under §  
10 24-704(g)(6) of this subtitle.

11 (2) PRIVATE NONPROFIT INSTITUTIONS OF HIGHER EDUCATION  
12 THAT RECEIVE STATE FUNDS SHALL TRANSFER STUDENT-LEVEL ENROLLMENT  
13 DATA, DEGREE DATA, FINANCIAL AID DATA, AND CREDIT DATA FOR ALL  
14 STUDENTS TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE  
15 WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER §  
16 24-704(G)(6) OF THIS SUBTITLE.

17 (3) AN INSTITUTION THAT TRANSFERS OR DISCLOSES  
18 STUDENT-LEVEL DATA UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION IS  
19 NOT LIABLE FOR A BREACH OF CONFIDENTIALITY OR FOR A DISCLOSURE, USE,  
20 RETENTION, OR DESTRUCTION OF THE DATA THAT RESULTS FROM AN ACT OR  
21 OMISSION BY:

22 (I) THE MARYLAND LONGITUDINAL DATA SYSTEM  
23 CENTER;

24 (II) A STATE AGENCY; OR

25 (III) A PERSON PROVIDED ACCESS TO THE DATA BY THE  
26 MARYLAND LONGITUDINAL DATA SYSTEM CENTER OR A STATE AGENCY.

27 (4) IF THE MARYLAND INDEPENDENT COLLEGE AND  
28 UNIVERSITY ASSOCIATION TRANSFERS OR DISCLOSES STUDENT-LEVEL DATA  
29 TO THE MARYLAND LONGITUDINAL DATA SYSTEM OR A STATE AGENCY ON  
30 BEHALF OF A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION UNDER  
31 PARAGRAPH (1) OR (2) OF THIS SUBSECTION, THE ASSOCIATION IS NOT LIABLE  
32 FOR A BREACH OF CONFIDENTIALITY OR FOR A DISCLOSURE, USE, RETENTION,  
33 OR DESTRUCTION OF THE DATA THAT RESULTS FROM AN ACT OR OMISSION BY:

34 (I) THE MARYLAND LONGITUDINAL DATA SYSTEM  
35 CENTER;

1                   **(II) A STATE AGENCY; OR**

2                   **(III) A PERSON PROVIDED ACCESS TO THE DATA BY THE**  
3 **MARYLAND LONGITUDINAL DATA SYSTEM CENTER OR A STATE AGENCY.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5   October 1, 2013.