

HOUSE BILL 568

F1

8lr1643

By: **Delegates Kaiser, Barkley, Buckel, Gibson, Healey, Hixson, Hornberger, Jalisi, Jones, Kramer, Lam, Luedtke, Pendergrass, and M. Washington**

Introduced and read first time: January 29, 2018

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2018

CHAPTER _____

1 AN ACT concerning

2 **Education – Student Data Governance**

3 FOR the purpose of requiring the State Department of Education, in consultation with the
4 Department of Information Technology and county boards of education, to develop
5 and update certain best practices for certain county boards on data governance
6 policies and procedures and for certain professional development; authorizing a
7 county board to implement certain professional development; requiring the State
8 Department of Education to develop certain strategies to coordinate and assist
9 certain data governance staff to implement certain best practices; authorizing a
10 county board to designate a certain employee to manage and maintain a certain data
11 governance program; requiring the State Department of Education to adopt certain
12 regulations; requiring the State Department of Education to report certain
13 information to certain committees of the General Assembly on or before certain
14 dates; defining ~~a~~ certain ~~term~~ terms; and generally relating to student data
15 governance.

16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 1–101(a), (d), and (f)
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2017 Supplement)

21 BY adding to
22 Article – Education

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 Section 7–2001 through 7–2005 to be under the new subtitle “Subtitle 20. Student
 2 Data Governance”
 3 Annotated Code of Maryland
 4 (2014 Replacement Volume and 2017 Supplement)

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

7 **Article – Education**

8 1–101.

9 (a) In this article, unless the context requires otherwise, the following words have
 10 the meanings indicated.

11 (d) “County board” means the board of education of a county and includes the
 12 Baltimore City Board of School Commissioners.

13 (f) “Department” means the State Department of Education.

14 **SUBTITLE 20. STUDENT DATA GOVERNANCE.**

15 **7–2001.**

16 **(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS**
 17 **INDICATED.**

18 **(B) “~~PERSONALLY~~ PERSONALLY IDENTIFIABLE INFORMATION” MEANS**
 19 **INFORMATION:**

20 **(1) ~~THAT THAT,~~ ALONE OR IN COMBINATION, PERSONALLY**
 21 **~~IDENTIFIES OR~~ MAKES IT POSSIBLE TO PERSONALLY IDENTIFY AN INDIVIDUAL**
 22 **STUDENT WITH REASONABLE CERTAINTY.**

23 **(C) “STUDENT DATA” MEANS ANY PERSONALLY IDENTIFIABLE**
 24 **INFORMATION RELATING TO AN IDENTIFIED OR IDENTIFIABLE STUDENT IN THE**
 25 **STATE. ~~IN THE STATE OR THAT IS LINKED TO INFORMATION OR MATERIAL THAT~~**
 26 **PERSONALLY IDENTIFIES AN INDIVIDUAL IN THE STATE; AND**

27 **(2) ~~IS COLLECTED, MAINTAINED, OR GENERATED BY A COUNTY~~**
 28 **~~BOARD, EITHER DIRECTLY OR INDIRECTLY THROUGH A SCHOOL SERVICE OR BY A~~**
 29 **~~SCHOOL SERVICE CONTRACT PROVIDER.~~**

30 **7–2002.**

1 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
2 INFORMATION TECHNOLOGY AND COUNTY BOARDS, SHALL DEVELOP AND UPDATE
3 BEST PRACTICES FOR COUNTY BOARDS TO:

4 (1) MANAGE AND MAINTAIN DATA PRIVACY AND SECURITY
5 PRACTICES IN THE PROCESSING OF STUDENT DATA AND PERSONALLY
6 IDENTIFIABLE INFORMATION ACROSS THE COUNTY BOARD'S INFORMATION
7 TECHNOLOGY AND RECORDS MANAGEMENT SYSTEMS;

8 (2) DEVELOP AND IMPLEMENT:

9 (I) A DATA PRIVACY AND SECURITY INCIDENT RESPONSE PLAN;

10 (II) A BREACH NOTIFICATION PLAN; AND

11 (III) PROCEDURES AND REQUIREMENTS FOR ALLOWING ACCESS
12 TO STUDENT DATA AND PERSONALLY IDENTIFIABLE INFORMATION FOR A
13 LEGITIMATE RESEARCH PURPOSE; AND

14 (3) PUBLISH INFORMATION ANNUALLY ON:

15 (I) TYPES OF STUDENT DATA AND PERSONALLY IDENTIFIABLE
16 INFORMATION PROCESSED BY THE COUNTY BOARD, THE PROTOCOLS FOR
17 PROCESSING STUDENT DATA, AND THE RATIONALES FOR SELECTING PROCESSING
18 PROTOCOLS;

19 (II) CONTRACTED SERVICES THAT INVOLVE SHARING STUDENT
20 DATA BETWEEN A COUNTY BOARD AND A SCHOOL SERVICE CONTRACT PROVIDER;
21 AND

22 (III) PROCEDURES AND RATIONALES FOR VETTING AND
23 SELECTING INTERNET SITES, SERVICES, AND APPLICATIONS.

24 7-2003.

25 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
26 INFORMATION TECHNOLOGY AND COUNTY BOARDS, SHALL DEVELOP AND UPDATE
27 BEST PRACTICES FOR PROFESSIONAL DEVELOPMENT ON DATA GOVERNANCE
28 POLICIES AND PROCEDURES.

29 (B) A COUNTY BOARD MAY IMPLEMENT THE BEST PRACTICES FOR
30 PROFESSIONAL DEVELOPMENT ON DATA GOVERNANCE POLICIES AND PROCEDURES
31 DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.

1 **7-2004.**

2 (A) THE DEPARTMENT SHALL DEVELOP STRATEGIES TO COORDINATE AND
 3 ASSIST LOCAL DATA GOVERNANCE STAFF IN THE COUNTIES TO IMPLEMENT BEST
 4 PRACTICES DEVELOPED UNDER § 7-2002 OF THIS SUBTITLE.

5 (B) A COUNTY BOARD MAY DESIGNATE AN EMPLOYEE TO MANAGE AND
 6 MAINTAIN A DATA GOVERNANCE PROGRAM IN THE COUNTY THAT MEETS THE
 7 REQUIREMENTS OF § 7-2002 OF THIS SUBTITLE.

8 **7-2005.**

9 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
 10 REQUIREMENTS OF THIS SUBTITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2019, and
 12 July 1, 2020, the State Department of Education shall report to the Senate Education,
 13 Health, and Environmental Affairs Committee and the House Committee on Ways and
 14 Means, in accordance with § 2-1246 of the State Government Article, on the status of the
 15 following:

16 (1) development and implementation of best practices in the areas of data
 17 governance, transparency, and professional development;

18 (2) levels of engagement by county boards;

19 (3) barriers to engagement, if any, including fiscal, statutory, or workplace
 20 obstacles; and

21 (4) any recommended statutory changes.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 23 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.