

# HOUSE BILL 568

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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

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## A BILL ENTITLED

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; and generally relating to student data governance.

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

20 BY adding to  
21 Article – Education  
22 Section 7–2001 through 7–2005 to be under the new subtitle “Subtitle 20. Student  
23 Data Governance”  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2017 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Education**

1-101.

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

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

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

**SUBTITLE 20. STUDENT DATA GOVERNANCE.**

**7-2001.**

**IN THIS SUBTITLE, “PERSONALLY IDENTIFIABLE INFORMATION” MEANS INFORMATION:**

**(1) THAT, ALONE OR IN COMBINATION, PERSONALLY IDENTIFIES OR MAKES IT POSSIBLE TO PERSONALLY IDENTIFY AN INDIVIDUAL STUDENT IN THE STATE OR THAT IS LINKED TO INFORMATION OR MATERIAL THAT PERSONALLY IDENTIFIES AN INDIVIDUAL IN THE STATE; AND**

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

**7-2002.**

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

**(1) MANAGE AND MAINTAIN DATA PRIVACY AND SECURITY PRACTICES IN THE PROCESSING OF STUDENT DATA AND PERSONALLY IDENTIFIABLE INFORMATION ACROSS THE COUNTY BOARD’S INFORMATION TECHNOLOGY AND RECORDS MANAGEMENT SYSTEMS;**

**(2) DEVELOP AND IMPLEMENT:**

**(1) A DATA PRIVACY AND SECURITY INCIDENT RESPONSE PLAN;**

1                   **(II) A BREACH NOTIFICATION PLAN; AND**

2                   **(III) PROCEDURES AND REQUIREMENTS FOR ALLOWING ACCESS**  
3 **TO STUDENT DATA AND PERSONALLY IDENTIFIABLE INFORMATION FOR A**  
4 **LEGITIMATE RESEARCH PURPOSE; AND**

5                   **(3) PUBLISH INFORMATION ANNUALLY ON:**

6                   **(I) TYPES OF STUDENT DATA AND PERSONALLY IDENTIFIABLE**  
7 **INFORMATION PROCESSED BY THE COUNTY BOARD, THE PROTOCOLS FOR**  
8 **PROCESSING STUDENT DATA, AND THE RATIONALES FOR SELECTING PROCESSING**  
9 **PROTOCOLS;**

10                   **(II) CONTRACTED SERVICES THAT INVOLVE SHARING STUDENT**  
11 **DATA BETWEEN A COUNTY BOARD AND A SCHOOL SERVICE CONTRACT PROVIDER;**  
12 **AND**

13                   **(III) PROCEDURES AND RATIONALES FOR VETTING AND**  
14 **SELECTING INTERNET SITES, SERVICES, AND APPLICATIONS.**

15 **7-2003.**

16                   **(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**  
17 **INFORMATION TECHNOLOGY AND COUNTY BOARDS, SHALL DEVELOP AND UPDATE**  
18 **BEST PRACTICES FOR PROFESSIONAL DEVELOPMENT ON DATA GOVERNANCE**  
19 **POLICIES AND PROCEDURES.**

20                   **(B) A COUNTY BOARD MAY IMPLEMENT THE BEST PRACTICES FOR**  
21 **PROFESSIONAL DEVELOPMENT ON DATA GOVERNANCE POLICIES AND PROCEDURES**  
22 **DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.**

23 **7-2004.**

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

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

30 **7-2005.**

1           **THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE**  
2 **REQUIREMENTS OF THIS SUBTITLE.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2019, and  
4 July 1, 2020, the State Department of Education shall report to the Senate Education,  
5 Health, and Environmental Affairs Committee and the House Committee on Ways and  
6 Means, in accordance with § 2–1246 of the State Government Article, on the status of the  
7 following:

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

10                  (2)     levels of engagement by county boards;

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

13                  (4)     any recommended statutory changes.

14           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2018.