

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 704
 Ways and Means

(Delegate Washington, *et al.*)

Education, Health, and Environmental Affairs

Maryland Longitudinal Data System - Student Data and Governing Board

This bill adds juvenile delinquency records and elementary and secondary school disciplinary records to the types of data that are collected and analyzed by the Maryland Longitudinal Data System (MLDS) Center; under current law both types of records are specifically excluded. To that end, the bill adds the Department of Juvenile Services (DJS) to the entities required to provide data sets to MLDS and adds the Secretary of Juvenile Services, or the Secretary’s designee, to the Governing Board of the MLDS Center. The bill also makes changes to the definition of “student data” and the types of data that entities are required to transfer to the MLDS Center.

Fiscal Summary

State Effect: General fund expenditures increase by \$63,800 in FY 2020 to hire additional personnel, as discussed below. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	63,800	78,600	81,200	84,000	86,800
Net Effect	(\$63,800)	(\$78,600)	(\$81,200)	(\$84,000)	(\$86,800)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Maryland Longitudinal Data System Center

Chapter 190 of 2010 established MLDS to contain individual-level student data and workforce data from all levels of education and the State's workforce. The legislation also established the MLDS Center within State government to serve as a central repository for the data, to ensure compliance with federal privacy laws, to perform research on the data sets, and to fulfill education reporting requirements and approved public information requests. The MLDS Center is administratively housed within the Maryland State Department of Education (MSDE).

The purpose of the data system is to facilitate and enable the exchange of student data among agencies and institutions within the State as well as generate timely and accurate information about student achievement that can be used to improve the State's education system and guide decision makers at all levels. The data system allows users to effectively organize, manage, disaggregate, and analyze individual student data and to examine student progress and outcomes over time, including preparation for postsecondary education and the workforce.

The MLDS Center may only use de-identified data in the analysis, research, and reporting conducted by the center. The center may only use aggregate data in the release of data in reports and in response to data requests.

Under current law, student data collected by MLDS includes State and national assessments; course-taking and completion; grade point average (GPA); remediation; retention; degree, diploma, or credential attainment; enrollment; and demographic data. Juvenile delinquency records, criminal and children in need of assistance records, medical and health records, and discipline records are specifically excluded from the types of data that MLDS may collect.

Local school systems, community colleges, public four-year institutions of higher education, and State agencies are required to transfer student-level and transcript-level data as well as workforce data to MLDS under current law.

The MLDS Center has a liaison position for each of the partner agencies that provide student and workforce data (MSDE; Maryland Higher Education Commission; and Department of Labor, Licensing, and Regulation). The liaisons provide technical and administrative support for the partner agencies and provide the center with subject matter expertise and management support in the use and administration of the data. The liaisons

are fully funded by the MLDS Center, but perform 50% of their job duties for the partner agency. The center advises that this model has been very successful in ensuring good data governance and an efficient and collaborative working relationship with the partner agencies.

Juvenile Records

In general, police and court records concerning a child are confidential, and their contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or in certain circumstances relating to notification of a local superintendent or nonpublic school principal upon the arrest of a child for specified offenses. This prohibition does not restrict access to and the use of court records in court proceedings involving the child by personnel of the court, the State's Attorney, counsel for the child, a court appointed special advocate for the child, or authorized personnel of DJS.

Subject to certain exceptions, the restriction also does not prohibit access to and confidential use of police and court records of a child by DJS or in an investigation and prosecution by a law enforcement agency. Statutory provisions also set forth circumstances under which the police and court records of a child may be accessed and used by various entities for specified purposes. For example, the Department of Human Services may have access to and confidential use of a court record for the purpose of claiming federal funds.

In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for specified violations. The juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed specified violent crimes, children age 14 and older charged with a capital crime, and children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult.

However, a circuit court may transfer a case involving such a child to the juvenile court if such a transfer is believed to be in the interests of the child or society ("reverse waiver") except in specified circumstances. Statutory provisions also set forth a process by which a court exercising criminal jurisdiction in a case involving a child must determine whether to transfer jurisdiction to a juvenile court at sentencing.

State Expenditures: General fund expenditures increase by \$63,835 in fiscal 2020, which accounts for the bill's October 1, 2019 effective date. This estimate reflects the cost of the MLDS Center hiring one full-time database specialist and DJS liaison to transfer data between DJS and MLDS. The duties include analyzing and validating data to be transferred by DJS and conducting any functions necessary to transform the data to meet the business and technical needs of the MLDS database. The position will also analyze and interpret data requests received by the MLDS Center related to DJS data. Finally, the position will

serve as a liaison between the two agencies to address matters concerning interagency issues, projects, and data management. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$58,476
One-time Start-up Expenses	4,890
Ongoing Operating Expenses	<u>469</u>
Total FY 2020 State Expenditures	\$63,835

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

Providing a liaison position for DJS is consistent with the existing operational model and will reduce the impact that DJS may incur from providing data to MLDS and participating on the Governing Board of the MLDS Center.

MSDE can transfer student elementary and secondary school disciplinary data to MLDS using existing resources.

Additional Comments: The bill removes the requirement that “transcript-level” data be transferred to MLDS; instead, “student” data must be transferred. This analysis assumes that transcript data must still be transferred. To the extent that transcript data is no longer required to be transferred, the dashboards and analyses produced by the MLDS Center will be somewhat limited, although the definition of student data includes some items found in a transcript, such as course-taking and completion, GPA, and remediation data.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Higher Education Commission; Baltimore City Community College; Department of Juvenile Services; Baltimore City Public Schools; St. Mary’s College of Maryland; Department of Legislative Services

Fiscal Note History:
an/rhh

First Reader - February 20, 2019
Third Reader - March 19, 2019
Revised - Amendment(s) - March 19, 2019
Enrolled - May 13, 2019
Revised - Amendment(s) - May 13, 2019

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510