

# HOUSE BILL 850

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By: **Delegate Smith**

Introduced and read first time: February 3, 2020

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Longitudinal Data System – Transfer of Student Data – Modifications**

3 FOR the purpose of repealing certain provisions of law relating to the collection of  
4 identifying information on certificates and licenses; requiring certain licensing  
5 authorities to make certain efforts to comply with certain data requirements, comply  
6 with a certain implementation schedule of the Maryland Longitudinal Data System,  
7 and transfer student data in accordance with a certain plan; requiring certain  
8 industry certifiers to comply with certain data requirements, comply with a certain  
9 implementation schedule of the Maryland Longitudinal Data System, and transfer  
10 student data in accordance with a certain plan; altering the membership of the  
11 Governing Board of the Maryland Longitudinal Data System Center; defining  
12 certain terms; altering certain definitions; and generally relating to the transfer of  
13 student data and the Maryland Longitudinal Data System.

14 BY repealing

15 Article – Education

16 Section 11–1501 through 11–1506 and the subtitle “Subtitle 15. Collection of  
17 Identifying Information on Certificates and Licenses”

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Education

22 Section 24–701 and 24–704(b)

23 Annotated Code of Maryland

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**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.



(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Education

Section 24–707(d) and (e)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–1501 through 11–1506 and the subtitle “Subtitle 15. Collection of Identifying Information on Certificates and Licenses” of Article – Education of the Annotated Code of Maryland be repealed.

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

### Article – Education

24–701.

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

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

(c) “De–identified data” means a data set in which parent and student identity information, including the State Assigned Student Identifier and student Social Security number, has been removed.

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

**(E) (1) “INDUSTRY CERTIFICATE” MEANS A CERTIFICATE OR LICENSE AWARDED BY AN INDUSTRY CERTIFIER THAT PREPARES AN INDIVIDUAL TO WORK IN A CAREER FIELD.**

**(2) “INDUSTRY CERTIFICATE” DOES NOT INCLUDE A BUSINESS LICENSE OR VOCATIONAL CERTIFICATE.**

**(F) “INDUSTRY CERTIFIER” MEANS A NATIONALLY RECOGNIZED, THIRD–PARTY ENTITY USING PREDETERMINED STANDARDS FOR KNOWLEDGE AND SKILLS THAT PREPARE AN INDIVIDUAL TO WORK IN A CAREER FIELD.**

**(G) “LICENSE” MEANS AN OCCUPATIONAL OR PROFESSIONAL LICENSE ISSUED TO AN INDIVIDUAL UNDER THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, THE BUSINESS REGULATION ARTICLE, OR THE HEALTH OCCUPATIONS ARTICLE.**

1           **(H) “LICENSING AUTHORITY” MEANS A STATE ENTITY THAT ISSUES A**  
2 **LICENSE TO AN INDIVIDUAL.**

3           **(I) (1) “PERSONALLY IDENTIFIABLE INFORMATION” MEANS DATA THAT**  
4 **CAN BE USED TO IDENTIFY A PARTICULAR INDIVIDUAL AND MATCH THAT**  
5 **INDIVIDUAL’S STUDENT OR WORKFORCE RECORD ACROSS DIFFERENT DATA**  
6 **SOURCES.**

7           **(2) “PERSONALLY IDENTIFIABLE INFORMATION” INCLUDES:**

8                   **(I) NAME;**

9                   **(II) DATE OF BIRTH; AND**

10                   **(III) SOCIAL SECURITY NUMBER, SASID, OR OTHER**  
11 **GOVERNMENT–ASSIGNED IDENTIFICATION NUMBER.**

12           **[(e)] (J) “State Assigned Student Identifier” or “SASID” means the identifier**  
13 **assigned to each student by:**

14                   (1) A local education agency based on the identifier system developed by  
15 the State Department of Education; or

16                   (2) An institution of higher education, if the student has not been assigned  
17 an identifier by a local education agency.

18           **[(f)] (K) (1) “Student data” means data relating to or impacting student**  
19 **performance.**

20                   (2) “Student data” includes:

21                           (i) State and national assessments;

22                           (ii) Course–taking and completion;

23                           (iii) Grade point average;

24                           (iv) Remediation;

25                           (v) Retention;

26                           (vi) Degree, diploma, or credential attainment;

27                           (vii) Enrollment;

- 1 (viii) Demographic data;
- 2 (ix) Juvenile delinquency records; [and]
- 3 (x) Elementary and secondary school disciplinary records;
- 4 **(XI) LICENSE, INDUSTRY CERTIFICATE, OR VOCATIONAL**  
 5 **CERTIFICATE; AND**
- 6 **(XII) PERSONALLY IDENTIFIABLE INFORMATION.**
- 7 (3) “Student data” does not include:
- 8 (i) Criminal and CINA records; and
- 9 (ii) Medical and health records.

10 **(L) “VOCATIONAL CERTIFICATE” MEANS A CERTIFICATE OR LICENSE**  
 11 **AWARDED BY AN INSTITUTION OF POSTSECONDARY EDUCATION APPROVED TO**  
 12 **OPERATE UNDER § 11–202 OF THIS ARTICLE ON COMPLETION OF A COURSE OF**  
 13 **STUDY, INCLUDING CREDIT-BEARING AND NONCREDIT COURSES, THAT PREPARES**  
 14 **AN INDIVIDUAL TO WORK IN A CAREER FIELD.**

15 **[(g)] (M)** “Workforce data” means data **ABOUT EMPLOYEES** relating to:

- 16 (1) Employment status;
- 17 (2) Wage information;
- 18 (3) Geographic location of employment; [and]
- 19 (4) Employer information; **AND**
- 20 **(5) PERSONALLY IDENTIFIABLE INFORMATION.**

21 24–704.

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

- 23 (1) The Secretary of Higher Education, or the Secretary’s designee;
- 24 (2) The Chancellor of the University System of Maryland, or the  
 25 Chancellor’s designee;
- 26 (3) The President of Morgan State University, or the President’s designee;

1 (4) The State Superintendent of Schools, or the Superintendent's designee;

2 (5) The Secretary of Juvenile Services, or the Secretary's designee;

3 (6) The Secretary of Labor, or the Secretary's designee;

4 (7) A representative of local superintendents of schools, appointed by the  
5 Governor with the advice and consent of the Senate;

6 (8) **A REPRESENTATIVE OF THE EXECUTIVE DIRECTORS OF THE**  
7 **HEALTH OCCUPATIONS BOARDS, APPOINTED BY THE GOVERNOR WITH THE ADVICE**  
8 **AND CONSENT OF THE SENATE;**

9 (9) The Executive Director of the Maryland Association of Community  
10 Colleges, or the Executive Director's designee;

11 [(9)] (10) The President of the Maryland Independent College and  
12 University Association, or the President's designee; and

13 [(10)] (11) Four members of the public, appointed by the Governor with the  
14 advice and consent of the Senate.

15 24-707.

16 (D) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LICENSING**  
17 **AUTHORITY SHALL:**

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

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

24 (E) **AN INDUSTRY CERTIFIER THAT RECEIVES STATE FUNDS SHALL:**

25 (1) **COMPLY WITH THE DATA REQUIREMENTS AND IMPLEMENTATION**  
26 **SCHEDULE FOR THE MARYLAND LONGITUDINAL DATA SYSTEM SET FORTH BY THE**  
27 **GOVERNING BOARD; AND**

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.