

Chapter 586

(House Bill 320)

AN ACT concerning

Maryland Longitudinal Data System – Transfer of Student Data – Modifications

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

BY repealing

Article – Education

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

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 24–701 and 24–704(b)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Education

Section 24–707(d) and (e)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 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of Identifying Information on Certificates and Licenses” of Article – Education of the Annotated Code of Maryland be repealed.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.

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

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

(2) “PERSONALLY IDENTIFIABLE INFORMATION” INCLUDES:

(I) NAME;

(II) DATE OF BIRTH; AND

(III) SOCIAL SECURITY NUMBER, SASID, OR OTHER GOVERNMENT-ASSIGNED IDENTIFICATION NUMBER.

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

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

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

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

(2) “Student data” includes:

(i) State and national assessments;

(ii) Course-taking and completion;

(iii) Grade point average;

(iv) Remediation;

(v) Retention;

(vi) Degree, diploma, or credential attainment;

(vii) Enrollment;

(viii) Demographic data;

(ix) Juvenile delinquency records; [and]

(x) Elementary and secondary school disciplinary records;

(XI) LICENSE, INDUSTRY CERTIFICATE, OR VOCATIONAL CERTIFICATE; AND

(XII) PERSONALLY IDENTIFIABLE INFORMATION.

(3) “Student data” does not include:

- (i) Criminal and CINA records; and
- (ii) Medical and health records.

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

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

- (1) Employment status;
- (2) Wage information;
- (3) Geographic location of employment; [and]
- (4) Employer information; AND

(5) PERSONALLY IDENTIFIABLE INFORMATION.

24-704.

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

- (1) The Secretary of Higher Education, or the Secretary’s designee;
- (2) The Chancellor of the University System of Maryland, or the Chancellor’s designee;
- (3) The President of Morgan State University, or the President’s designee;
- (4) The State Superintendent of Schools, or the Superintendent’s designee;
- (5) The Secretary of Juvenile Services, or the Secretary’s designee;
- (6) The Secretary of Labor, or the Secretary’s designee;
- (7) A representative of local superintendents of schools, appointed by the Governor with the advice and consent of the Senate;

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

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

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

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

24-707.

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

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.