

# **Del. Stephanie Smith's Testimony.pdf**

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STEPHANIE SMITH  
Legislative District 45  
Baltimore City

Ways and Means Committee  
Education Subcommittee

House Chair  
Baltimore City Delegation



The Maryland House of Delegates  
6 Bladen Street, Room 316  
Annapolis, Maryland 21401  
410-841-3486 · 301-858-3486  
800-492-7122 Ext. 3486  
Stephanie.Smith@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB0320: Maryland Longitudinal Data System - Transfer of Student Data - Modifications**

Bill Hearing: March 18<sup>th</sup>, 2021, 1:00 PM, Education, Health, and Environmental Affairs

**Chairman Paul Pinsky and Vice Chair Kagen, and members of the Education, Health, and Environmental Committee**

HB0320 would repeal provisions of the Career Preparation Expansion Act, which requires the Maryland Higher Education Commission (MHEC) to collect and provide identifying student information to the Maryland Longitudinal Data System Center (MLDS) on specified business licenses and students receiving industry and vocational certificates.

Under the current law, MLDS collects and maintains individual-level student and workforce data from all levels of education and the States workforce. The current law also established the MLDS Center within the 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. 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 new bill would require specified State licensing authorities that issue occupational or professional licenses under the Business Occupations and Professions Article, the Business Regulation Article, or the Health Occupations Article to *make every effort* to

1. comply with specified data requirements and the implementation schedule for MLDS as set forth by the governing board and
2. Transfer student data to MLDS in accordance with the center's data security and safeguarding plan.

Further, the bill adds a representative of the executive directors of the health occupations boards, appointed by the Governor with the advice and consent of the Senate to the governing board of the MLDS Center.

I urge the committee to vote favorably on HB0320.

Sincerely,

Delegate Stephanie M. Smith

# **HB0320 Fav Support.pdf**

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# MLDS CENTER

Maryland Longitudinal Data System

Address 550 West Baltimore Street  
Baltimore, MD 21201  
Phone 410-706-2085  
Email [mlds.center@maryland.gov](mailto:mlds.center@maryland.gov)  
Website [www.MLDSCenter.org](http://www.MLDSCenter.org)

## House Bill 320

### Maryland Longitudinal Data System - Transfer of Student Data - Modifications

#### Testimony for the House Education, Health and Environmental Affairs Committee March 18, 2021

Current law, as enacted by the *Career Preparation Expansion Act of 2018*, requires the Maryland Higher Education Commission (MHEC) to collect and provide to the Maryland Longitudinal Data System (MLDS) Center the following information:

- Professional and occupational licenses from Department of Labor and Department of Health;
- Vocational certificates from Maryland Community Colleges; and
- Industry certifications from a national certifier that receives state funds.

The Center, in collaboration with MHEC, began working to implement the above requirement. It was mutually decided that the Center would directly collect the data under MHEC's authority. Both parties felt that the direct approach was more efficient and limited the risk and exposure created by having to transfer data multiple times.

However, several concerns were raised by the Assistant Attorney General for the Department of Health (MDH). First, MDH noted that there was no explicit requirement to provide personally identifiable information (PII). Without a direct legal requirement, MDH stated that they could not provide PII data. Secondly, MDH was concerned about providing their data directly to the Center, since the statute required MHEC to collect the data. Third, the law assigns to the Secretary the duty to provide the data, even though the Secretary does not have authority or control over the data collected by the 22 independent Health Occupation Boards. Finally, MDH noted that there was a lack of representation on the Governing Board.

To address those concerns, HB 320 changes current law as follows:

- Authorizes the MLDS Center to directly collect the above information and removes the requirement from MHEC;
- Specifies that the data must include personally identifiable information, which had not been explicitly stated and was a concern for MDH;
- Clarifying that it is the duty of a licensing authority, such as a Health Occupation Board, to provide data to the MLDS,
- Adding a representative of the executive directors of the Health Occupations Boards to the MLDS Governing Board, which addressed MDH's concern about the lack of representation on the MLDS Governing Board; and
- Classifying the above data as "student data," which had not been done in the prior bill, but was necessary to fit in the structure of the MLDS statute.

The proposed changes were discussed and reviewed with AAGs from MHEC, Labor, Health and MLDS and all are in agreement that the changes fully address the concerns raised by MDH and will allow the MLDS Center to begin collecting and using the data.

Respectfully submitted by: Ross Goldstein, Executive Director

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**EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE**  
**House Bill 320**  
**Maryland Longitudinal Data System - Transfer of Student Data - Modifications**  
**March 18, 2021**  
**Favorable Report**

Chair Pinsky, Vice Chair Kagan, and committee members, thank you for the opportunity to share our thoughts on House Bill 320. I am Nancy Shapiro, Associate Vice Chancellor for USM and the Chancellor's Representative to the Maryland Longitudinal Data System (MLDS) Governing Board. The bill, generally, transfers the responsibility for providing specified professional and occupational license and industry and vocational certificate data to the Maryland Longitudinal Data System (MLDS) Center from the Maryland Higher Education Commission (MHEC). The USM urges a favorable report.

The MLDS is an especially valuable and important resource for Maryland's education and workforce policy makers. We frequently talk about the P-20 continuum—from Pre-school through graduate school and workforce—as the life-force of our State's economic and social progress. How many times have we heard "Our children are our future"? How many times have we justified decisions by asking, "How can we broaden participation" in our colleges, universities and high wage jobs? MLDS helps us answer those big policy questions by researching and analyzing longitudinal, cross-segmental (P-K education/post-secondary education/workforce) data to unpack where we are being successful and where we need to focus on solving problems.

This bill would allow the MLDS Center to collect the following information:

- Professional and occupational licenses from Department of Labor and Department of Health.
- Vocational certificates from Maryland Community Colleges; and
- Industry certifications from a national certifier that receives state funds.

House Bill 320 fixes the legal and procedural issues with the law to allow the data to be collected directly by the MLDS Center. This data is important because it provides greater insights into career pathways and can help us better understand the outcomes of different programs that lead to professional and occupational licenses and careers. Specifically, the bill allows for additional representatives to be added to the MLDS Governing board, to accommodate the Health Occupation Boards, which are independent of the Secretary of the Department of Health. No new data is being added, rather, this bill simply allows the MLSD Center to directly collect that data as opposed to having that data be collected by MHEC and then sent to the MLDS Center.

The direct collection of this data is a more secure and efficient transfer process. The clarifying language also resolves an issue related to Personally identifiable information (PII). MLDS is already authorized to collect PII, but the Department of Health operates under different regulations, and this bill would resolve that inconsistency for data transferred to MLDS. MLDS is held to the highest security standards and student privacy standards that protect any information transferred.

Again, the USM supports a favorable on House Bill 320.





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# Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

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## 2021 SESSION POSITION PAPER

**BILL NO:** HB 320 – Maryland Longitudinal Data System – Transfer of Student Data – Modifications  
**COMMITTEE:** Education, Health, and Environmental Affairs  
**POSITION:** Information

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**TITLE:** Maryland Longitudinal Data System – Transfer of Student Data – Modifications

**BILL ANALYSIS:** Requires certain licensing authorities and industry certifiers to make certain efforts to comply with data requirements and transfer student data; alters the membership of Governing Board of Maryland Longitudinal Data System Center.

**POSITION AND RATIONALE:**

Under HB 320, licensing authorities such as the Board of Physicians (the “Board”) would be required to comply with the data requirements and implementation schedule for the Maryland Longitudinal Data System. This would include the collection and sharing of personally identifiable information, including dates of birth and social security numbers.

While the Board does not oppose making every effort to comply with these data requirements, transferring personally identifiable information always carries with it a certain degree of risk and exposure. The language in HB 320 would override the Board’s statutory mandate to prevent disclosure of personally identifiable information as required in Health Occupations Article § 14-411, Annotated Code of Maryland. In order to comply with these requirements, the Board would need to provide proper notification to all licensees that this information would be shared.

For more information, please contact Wynnee Hawk, Manager, Policy and Legislation, Maryland Board of Physicians, 410-764-3786.

**The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.**

**HB320 MHEC Letter of Information EHEA 03182021.pdf**

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