

HOUSE BILL 1342

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By: **Delegates Kaiser, Bohanan, Hixson, Luedtke, and Olszewski**

Introduced and read first time: February 11, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Longitudinal Data System – Governing Board and Data Transfers**

3 FOR the purpose of adding the President of the Maryland Independent College and
4 University Association, or the President’s designee, to the governing board of
5 the Maryland Longitudinal Data System Center; establishing that a certain
6 institution of higher education or postsecondary education that transfers or
7 discloses student–level data to the Maryland Longitudinal Data System in
8 accordance with a certain plan is not liable for a breach of confidentiality or a
9 disclosure, use, retention, or destruction of the data that results from an act or
10 omission by the Maryland Longitudinal Data System Center, a State agency, or
11 a certain person; establishing that if the Maryland Independent College and
12 University Association transfers or discloses student–level data to the Maryland
13 Longitudinal Data System or a State agency on behalf of a private nonprofit
14 institution of higher education in accordance with a certain plan, the association
15 is not liable for a breach of confidentiality or a disclosure, use, retention, or
16 destruction of the data that results from an act or omission by the Maryland
17 Longitudinal Data System Center, a State agency, or a certain person; and
18 generally relating to the Maryland Longitudinal Data System.

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 24–701(a), (b), and (d) and 24–704(a) and (g)(6)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Education
26 Section 24–704(b) and 24–707
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 24–701.

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

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

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

9 24–704.

10 (a) There is a Governing Board of the Center.

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

12 (1) The Secretary of Higher Education, or the Secretary’s designee;

13 (2) The Chancellor of the University System of Maryland, or the
14 Chancellor’s designee;

15 (3) The President of Morgan State University, or the President’s
16 designee;

17 (4) The State Superintendent of Schools, or the Superintendent’s
18 designee;

19 (5) The Secretary of Labor, Licensing, and Regulation, or the
20 Secretary’s designee;

21 (6) A representative of local superintendents of schools, appointed by
22 the Governor with the advice and consent of the Senate;

23 (7) The Executive Director of the Maryland Association of Community
24 Colleges, or the Executive Director’s designee; [and]

25 **(8) THE PRESIDENT OF THE MARYLAND INDEPENDENT COLLEGE
26 AND UNIVERSITY ASSOCIATION, OR THE PRESIDENT’S DESIGNEE; AND**

27 **[(8) (9)** Four members of the public, appointed by the Governor with
28 the advice and consent of the Senate.

29 (g) The Governing Board shall:

1 (6) Before the incorporation of any individual data in the Maryland
2 Longitudinal Data System:

3 (i) Create an inventory of the individual student data:

4 1. Proposed to be maintained in the system; and

5 2. Required to be reported by State and federal
6 education mandates;

7 (ii) Develop and implement policies to comply with the federal
8 Family Educational Rights and Privacy Act and any other privacy measures, as
9 required by law or the Governing Board; and

10 (iii) Develop a detailed data security and safeguarding plan that
11 includes:

12 1. Authorized access and authentication for authorized
13 access;

14 2. Privacy compliance standards;

15 3. Privacy and security audits;

16 4. Breach notification and procedures; and

17 5. Data retention and disposition policies;

18 24–707.

19 (a) Local education agencies, community colleges, public senior higher
20 education institutions, and State agencies shall:

21 (1) Make every effort to comply with the data requirements and
22 implementation schedule for the Maryland Longitudinal Data System as set forth by
23 the Governing Board; and

24 (2) Transfer student–level and transcript–level data and workforce
25 data to the Maryland Longitudinal Data System in accordance with the data security
26 and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

27 (b) Private secondary schools may transfer student data and workforce data
28 to the Maryland Longitudinal Data System in accordance with the data security and
29 safeguarding plan developed under § 24–704(g)(6) of this subtitle.

1 (c) **(1)** For-profit and private nonprofit institutions of higher education,
2 and institutions of postsecondary education that are required to register under §
3 11-202.2 of this article shall transfer student-level enrollment data, degree data, and
4 financial aid data for all Maryland residents to the Maryland Longitudinal Data
5 System in accordance with the data security and safeguarding plan developed under §
6 24-704(g)(6) of this subtitle.

7 **(2) AN INSTITUTION THAT TRANSFERS OR DISCLOSES**
8 **STUDENT-LEVEL DATA UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT**
9 **LIABLE FOR A BREACH OF CONFIDENTIALITY OR FOR A DISCLOSURE, USE,**
10 **RETENTION, OR DESTRUCTION OF THE DATA THAT RESULTS FROM AN ACT OR**
11 **OMISSION BY:**

12 **(I) THE MARYLAND LONGITUDINAL DATA SYSTEM**
13 **CENTER;**

14 **(II) A STATE AGENCY; OR**

15 **(III) A PERSON PROVIDED ACCESS TO THE DATA BY THE**
16 **MARYLAND LONGITUDINAL DATA SYSTEM CENTER OR A STATE AGENCY.**

17 **(3) IF THE MARYLAND INDEPENDENT COLLEGE AND**
18 **UNIVERSITY ASSOCIATION TRANSFERS OR DISCLOSES STUDENT-LEVEL DATA**
19 **TO THE MARYLAND LONGITUDINAL DATA SYSTEM OR A STATE AGENCY ON**
20 **BEHALF OF A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION UNDER**
21 **PARAGRAPH (1) OF THIS SUBSECTION, THE ASSOCIATION IS NOT LIABLE FOR A**
22 **BREACH OF CONFIDENTIALITY OR FOR A DISCLOSURE, USE, RETENTION, OR**
23 **DESTRUCTION OF THE DATA THAT RESULTS FROM AN ACT OR OMISSION BY:**

24 **(I) THE MARYLAND LONGITUDINAL DATA SYSTEM**
25 **CENTER;**

26 **(II) A STATE AGENCY; OR**

27 **(III) A PERSON PROVIDED ACCESS TO THE DATA BY THE**
28 **MARYLAND LONGITUDINAL DATA SYSTEM CENTER OR A STATE AGENCY.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.