HOUSE BILL 1342

F5   3lr3095

By: **Delegates Kaiser, Bohanan, Hixson, Luedtke, and Olszewski**
Introduced and read first time: February 11, 2013
Assigned to: Rules and Executive Nominations
Re–referred to: Ways and Means and Appropriations, February 26, 2013

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2013

CHAPTER _____

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; <u>requiring private nonprofit</u>
6   <u>institutions of higher education that receive State funds to transfer certain</u>
7   <u>student data to the Maryland Longitudinal Data System in accordance with a</u>
8   <u>certain plan;</u> establishing that a certain institution of higher education or
9   postsecondary education that transfers or discloses student–level data to the
10   Maryland Longitudinal Data System in accordance with a certain plan is not
11   liable for a breach of confidentiality or a disclosure, use, retention, or
12   destruction of the data that results from an act or omission by the Maryland
13   Longitudinal Data System Center, a State agency, or a certain person;
14   establishing that if the Maryland Independent College and University
15   Association transfers or discloses student–level data to the Maryland
16   Longitudinal Data System or a State agency on behalf of a private nonprofit
17   institution of higher education in accordance with a certain plan, the association
18   is not liable for a breach of confidentiality or a disclosure, use, retention, or
19   destruction of the data that results from an act or omission by the Maryland
20   Longitudinal Data System Center, a State agency, or a certain person; and
21   generally relating to the Maryland Longitudinal Data System.

22   BY repealing and reenacting, without amendments,
23   Article – Education

EXPLANATION: **Capitals indicate matter added to existing law.**
    [Brackets] indicate matter deleted from existing law.
    <u>Underlining</u> indicates amendments to bill.
    ~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by
      amendment.

1   Section 24–701(a), (b), and (d) and 24–704(a) and (g)(6)
2   Annotated Code of Maryland
3   (2008 Replacement Volume and 2012 Supplement)

4 BY repealing and reenacting, with amendments,
5   Article – Education
6   Section 24–704(b) and 24–707
7   Annotated Code of Maryland
8   (2008 Replacement Volume and 2012 Supplement)

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

Article – Education

12 24–701.

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

14   (b)   "Center" means the Maryland Longitudinal Data System Center.

15   (d)   "Governing Board" means the Governing Board of the Maryland
16 Longitudinal Data System Center.

17 24–704.

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

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

20   (1)   The Secretary of Higher Education, or the Secretary's designee;

21   (2)   The Chancellor of the University System of Maryland, or the
22 Chancellor's designee;

23   (3)   The President of Morgan State University, or the President's
24 designee;

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

27   (5)   The Secretary of Labor, Licensing, and Regulation, or the
28 Secretary's designee;

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

1   (7)   The Executive Director of the Maryland Association of Community
2 Colleges, or the Executive Director's designee; **[and]**

3   **(8)   THE PRESIDENT OF THE MARYLAND INDEPENDENT COLLEGE**
4 **AND UNIVERSITY ASSOCIATION, OR THE PRESIDENT'S DESIGNEE; AND**

5   **[**(8)**] (9)**   Four members of the public, appointed by the Governor with
6 the advice and consent of the Senate.

7   (g)   The Governing Board shall:

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

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

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

12   2.   Required to be reported by State and federal
13 education mandates;

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

17   (iii)   Develop a detailed data security and safeguarding plan that
18 includes:

19   1.   Authorized access and authentication for authorized
20 access;

21   2.   Privacy compliance standards;

22   3.   Privacy and security audits;

23   4.   Breach notification and procedures; and

24   5.   Data retention and disposition policies;

25 24–707.

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

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

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

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

7   (c)   **(1)**   For–profit ~~and~~ **INSTITUTIONS OF HIGHER EDUCATION,** private
8   nonprofit institutions of higher education **THAT DO NOT RECEIVE STATE FUNDS**,
9   and institutions of postsecondary education that are required to register under §
10   11–202.2 of this article shall transfer student–level enrollment data, degree data, and
11   financial aid data for all Maryland residents to the Maryland Longitudinal Data
12   System in accordance with the data security and safeguarding plan developed under §
13   24–704(g)(6) of this subtitle.

14   **(2)   PRIVATE NONPROFIT INSTITUTIONS OF HIGHER EDUCATION**
15   **THAT RECEIVE STATE FUNDS SHALL TRANSFER STUDENT–LEVEL ENROLLMENT**
16   **DATA, DEGREE DATA, FINANCIAL AID DATA, AND CREDIT DATA FOR ALL**
17   **STUDENTS TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE**
18   **WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER §**
19   **24–704(G)(6) OF THIS SUBTITLE.**

20   ~~(2)~~ **(3)   AN INSTITUTION THAT TRANSFERS OR DISCLOSES**
21   **STUDENT–LEVEL DATA UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION IS**
22   **NOT LIABLE FOR A BREACH OF CONFIDENTIALITY OR FOR A DISCLOSURE, USE,**
23   **RETENTION, OR DESTRUCTION OF THE DATA THAT RESULTS FROM AN ACT OR**
24   **OMISSION BY:**

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

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

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

30   ~~(3)~~ **(4)   IF THE MARYLAND INDEPENDENT COLLEGE AND**
31   **UNIVERSITY ASSOCIATION TRANSFERS OR DISCLOSES STUDENT–LEVEL DATA**
32   **TO THE MARYLAND LONGITUDINAL DATA SYSTEM OR A STATE AGENCY ON**
33   **BEHALF OF A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION UNDER**
34   **PARAGRAPH (1) OR (2) OF THIS SUBSECTION, THE ASSOCIATION IS NOT LIABLE**
35   **FOR A BREACH OF CONFIDENTIALITY OR FOR A DISCLOSURE, USE, RETENTION,**
36   **OR DESTRUCTION OF THE DATA THAT RESULTS FROM AN ACT OR OMISSION BY:**

1   **(I)**   T**HE** M**ARYLAND** L**ONGITUDINAL** D**ATA** S**YSTEM**
2 C**ENTER;**

3   **(II)**   A S**TATE AGENCY; OR**

4   **(III)** A **PERSON PROVIDED ACCESS TO THE DATA BY THE**
5 M**ARYLAND** L**ONGITUDINAL** D**ATA** S**YSTEM** C**ENTER OR A** S**TATE AGENCY.**

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

Approved:

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                                                                 Governor.

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                                     Speaker of the House of Delegates.

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                                          President of the Senate.