

# HOUSE BILL 127

E5, F5

(PRE-FILED)

2lr0396  
CF 2lr0397

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By: **Delegate Rosenberg**

Requested: August 23, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Longitudinal Data System Center – Division of Correction – Data**  
3 **Requirement**

4 FOR the purpose of requiring the Division of Correction within the Department of Public  
5 Safety and Correctional Services to exchange certain data with the Maryland  
6 Longitudinal Data System Center; requiring the Division to establish the duration  
7 of data retention; requiring certain data to be collected by the Center; requiring the  
8 Center to conduct certain research; adding a member to the Center's Governing  
9 Board; and generally relating to the inclusion of Division of Correction data in the  
10 Maryland Longitudinal Data System.

11 BY repealing and reenacting, with amendments,  
12 Article – Correctional Services  
13 Section 3–608  
14 Annotated Code of Maryland  
15 (2017 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 24–701, 24–703(f), 24–704(b), and 24–707(a)  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2021 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Education  
23 Section 24–703(a) and 24–704(a)  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2021 Supplement)

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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 MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Correctional Services**

4 3–608.

5 (a) (1) To increase efficiency in the treatment, management, and  
6 rehabilitation of inmates confined in correctional facilities in the Division, the Division and  
7 the Division of Parole and Probation shall exchange records and any other pertinent  
8 information that relates to an inmate.

9 (2) **TO TRACK INCARCERATION AND RECIDIVISM OUTCOMES FOR THE**  
10 **STATE, THE DIVISION SHALL EXCHANGE RECORDS AND ANY OTHER PERTINENT**  
11 **INFORMATION THAT RELATES TO A CURRENT OR FORMER INMATE WITH THE**  
12 **MARYLAND LONGITUDINAL DATA SYSTEM CENTER ESTABLISHED UNDER TITLE 24,**  
13 **SUBTITLE 7 OF THE EDUCATION ARTICLE.**

14 (b) The Division and the Division of Parole and Probation shall establish the  
15 procedures and methods for the exchange of records, **THE DURATION OF DATA**  
16 **RETENTION**, and other information in subsection (a) of this section.

17 **Article – Education**

18 24–701.

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

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

21 (c) (1) “Child welfare data” means data relating to a child’s experience with  
22 child protective services, family preservation services, and State–sponsored out–of–home  
23 services.

24 (2) “Child welfare data” includes:

25 (i) Out–of–home placement data, including:

26 1. Supervising jurisdiction;

27 2. Removal reason;

28 3. Characteristics at the time of removal;

29 4. Return reason;

1 5. Placement start and end dates; and

2 6. Placement type;

3 (ii) Family preservation services data, including:

4 1. Supervising jurisdiction;

5 2. Type of family preservation service; and

6 3. Service start and end dates; and

7 (iii) Child protective services data, including:

8 1. Responsible jurisdiction;

9 2. Type of child protective service response;

10 3. Date on which child protective services responded;

11 4. Alleged maltreatment type;

12 5. Disposition of an investigative response by child protective

13 services; and

14 6. Date on which child protective services completes a

15 response.

16 **(D) “CORRECTIONAL SERVICES DATA” MEANS ARREST AND**  
 17 **INCARCERATION DATA OF THE DIVISION OF CORRECTION WITHIN THE**  
 18 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

19 **[(d)] (E)** “De-identified data” means a data set in which parent and student  
 20 identity information, including the State Assigned Student Identifier and student Social  
 21 Security number, has been removed.

22 **[(e)] (F)** “Governing Board” means the Governing Board of the Maryland  
 23 Longitudinal Data System Center.

24 **[(f)] (G)** (1) “Industry certificate” means a certificate or license awarded by  
 25 an industry certifier that prepares an individual to work in a career field.

26 (2) “Industry certificate” does not include a business license or vocational  
 27 certificate.

1           **[(g)] (H)**       “Industry certifier” means a nationally recognized, third–party entity  
2 using predetermined standards for knowledge and skills that prepare an individual to work  
3 in a career field.

4           **[(h)] (I)**       “License” means an occupational or professional license issued to an  
5 individual under the Business Occupations and Professions Article, the Business  
6 Regulation Article, or the Health Occupations Article.

7           **[(i)] (J)**       “Licensing authority” means a State entity that issues a license to an  
8 individual.

9           **[(j)] (K)**       (1)   “Personally identifiable information” means data that can be  
10 used to identify a particular individual and match that individual’s student or workforce  
11 record across different data sources.

12                   (2)   “Personally identifiable information” includes:

13                           (i)   Name;

14                           (ii)   Date of birth; and

15                           (iii)   Social Security number, SASID, or other government–assigned  
16 identification number.

17           **[(k)] (L)**       “State Assigned Student Identifier” or “SASID” means the identifier  
18 assigned to each student by:

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

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

23           **[(l)] (M)**       (1)   “Student data” means data relating to or impacting student  
24 performance.

25                   (2)   “Student data” includes:

26                           (i)   State and national assessments;

27                           (ii)   Course–taking and completion;

28                           (iii)   Grade point average;

29                           (iv)   Remediation;

- 1 (v) Retention;
- 2 (vi) Degree, diploma, or credential attainment;
- 3 (vii) Enrollment;
- 4 (viii) Demographic data;
- 5 (ix) Juvenile delinquency records;
- 6 (x) Elementary and secondary school disciplinary records;
- 7 (xi) Child welfare data;
- 8 (xii) License, industry certificate, or vocational certificate; [and]
- 9 (xiii) Personally identifiable information; **AND**

10 **(XIV) CORRECTIONAL SERVICES DATA.**

11 (3) “Student data” does not include:

- 12 (i) [Criminal and] CINA records; and
- 13 (ii) Medical and health records.

14 [(m)] (N) “Vocational certificate” means a certificate or license awarded by an  
 15 institution of postsecondary education approved to operate under § 11–202 of this article  
 16 on completion of a course of study, including credit-bearing and noncredit courses, that  
 17 prepares an individual to work in a career field.

18 [(n)] (O) “Workforce data” means data about employees relating to:

- 19 (1) Employment status;
- 20 (2) Wage information;
- 21 (3) Geographic location of employment;
- 22 (4) Employer information; and
- 23 (5) Personally identifiable information.

24 24–703.

25 (a) There is a Maryland Longitudinal Data System Center.

1 (f) The Center shall perform the following functions and duties:

2 (1) Serve as a central repository of student data [and], workforce data,  
3 **AND CORRECTIONAL SERVICES DATA** in the Maryland Longitudinal Data System,  
4 including data sets provided by:

5 (i) The State Department of Education;

6 (ii) Local education agencies;

7 (iii) The Maryland Higher Education Commission;

8 (iv) Institutions of higher education;

9 (v) The Maryland Department of Labor;

10 (vi) The Department of Juvenile Services; [and]

11 (vii) The Social Services Administration within the Department of  
12 Human Services; **AND**

13 **(VIII) THE DIVISION OF CORRECTION WITHIN THE DEPARTMENT**  
14 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

15 (2) Oversee and maintain the warehouse of the Maryland Longitudinal  
16 Data System data sets;

17 (3) Ensure routine and ongoing compliance with the federal Family  
18 Educational Rights and Privacy Act and other relevant privacy laws and policies, including:

19 (i) The required use of de-identified data in data research and  
20 reporting;

21 (ii) The required disposition of information that is no longer needed;

22 (iii) Providing data security, including the capacity for audit trails;

23 (iv) Providing for performance of regular audits for compliance with  
24 data privacy and security standards; and

25 (v) Implementing guidelines and policies that prevent the reporting  
26 of other potentially identifying data;

27 (4) Conduct research using timely and accurate student data [and],  
28 workforce data, **AND CORRECTIONAL SERVICES DATA** to improve the State's education

1 system and guide decision making by State and local governments, educational agencies,  
2 institutions, teachers, and other education professionals;

3 (5) Conduct research relating to:

4 (i) The impact of State and federal education programs;

5 (ii) The performance of educator preparation programs;

6 (iii) Best practices regarding classroom instruction, education  
7 programs and curriculum, and segment alignment; [and]

8 (iv) The impact child welfare programs have on the educational and  
9 economic outcomes of students; AND

10 (v) **CORRECTIONAL SERVICES DATA, EXPRESSED IN NUMBERS**  
11 **AND PERCENTAGES, INCLUDING A CURRENT OR FORMER INMATE'S:**

12 **1. PARTICIPATION IN A PRISON-BASED EDUCATION OR**  
13 **TRAINING PROGRAM OF THE MARYLAND DEPARTMENT OF LABOR;**

14 **2. PARTICIPATION IN A WORK RELEASE OR OTHER**  
15 **TRANSITION PROGRAM OF THE MARYLAND DEPARTMENT OF LABOR;**

16 **3. AGE, RACE, GENDER, TYPE OF OFFENSE, SENTENCE**  
17 **LENGTH, AND TYPE OF RELEASE; AND**

18 **4. RATE OF RECIDIVISM, INCLUDING AN INMATE'S**  
19 **REASON FOR INCARCERATION;**

20 (6) At the direction of the Accountability and Implementation Board  
21 established in Title 5, Subtitle 4 of this article provide:

22 (i) A researcher designated by the Board access to the data in the  
23 Maryland Longitudinal Data System in accordance with the procedures for staff  
24 authorization and data access established by the Maryland Longitudinal Data System  
25 governing board;

26 (ii) Aggregate data tables; or

27 (iii) Research or evaluation;

28 (7) Analyze social determinants from the following State agencies and  
29 appropriate local agencies that impact the education performance of students and indicate  
30 the need for wraparound services of students:

1 (i) The Maryland Department of Health;

2 (ii) The Department of Juvenile Services; [and]

3 (iii) The Department of Human Services;

4 **(IV) THE MARYLAND DEPARTMENT OF LABOR; AND**

5 **(V) THE DIVISION OF CORRECTION WITHIN THE DEPARTMENT**  
6 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

7 (8) To the extent practicable, conduct longitudinal studies of the items  
8 under this section to evaluate the impact of The Blueprint for Maryland's Future on the  
9 State;

10 (9) Fulfill information and data requests to facilitate State and federal  
11 education reporting with existing State agencies as appropriate; and

12 (10) Fulfill approved public information requests.

13 24–704.

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

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

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

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

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

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

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

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

23 (7) The Secretary of Human Services, or the Secretary's designee;

24 **(8) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**  
25 **SERVICES, OR THE SECRETARY'S DESIGNEE;**

26 **(9)** A representative of local superintendents of schools, appointed by the  
27 Governor with the advice and consent of the Senate;



1            ~~[(9)]~~ **(10)** A representative of the executive directors of the health  
2 occupations boards, appointed by the Governor with the advice and consent of the Senate;

3            ~~[(10)]~~ **(11)** The Executive Director of the Maryland Association of  
4 Community Colleges, or the Executive Director's designee;

5            ~~[(11)]~~ **(12)** The President of the Maryland Independent College and  
6 University Association, or the President's designee; and

7            ~~[(12)]~~ **(13)** Four members of the public, appointed by the Governor with the  
8 advice and consent of the Senate.

9 24–707.

10            (a) Local education agencies, community colleges, public senior higher education  
11 institutions, the Department of Human Services, and other State agencies shall:

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

15            (2) Transfer student data ~~[and]~~, workforce data, **AND CORRECTIONAL**  
16 **SERVICES DATA** to the Maryland Longitudinal Data System in accordance with the data  
17 security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

18            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2022.