

HOUSE BILL 430

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6lr1076

By: **Delegates Kaiser, Afzali, Buckel, Carey, Chang, Ebersole, Fennell, Haynes, Jalisi, Kramer, Lam, McComas, McCray, McIntosh, Morales, Morhaim, Smith, Turner, West, and Zucker**

Introduced and read first time: January 29, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student Data Privacy Council**

3 FOR the purpose of establishing the Student Data Privacy Council; providing for the
4 composition, chair, and staffing of the Council; prohibiting a member of the Council
5 from receiving certain compensation, but authorizing the reimbursement of certain
6 expenses; requiring the Council to study and make recommendations regarding
7 certain matters; requiring the Council to report its findings and recommendations to
8 the Governor and the General Assembly on or before a certain date; defining a
9 certain term; providing for the termination of this Act; and generally relating to the
10 Student Data Privacy Council.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That:

13 (a) In this section, “Council” means the Student Data Privacy Council.

14 (b) There is a Student Data Privacy Council.

15 (c) The Council consists of the following 15 members:

16 (1) two members of the Senate of Maryland, appointed by the President of
17 the Senate;

18 (2) two members of the House of Delegates, appointed by the Speaker of
19 the House;

20 (3) the State Superintendent of Schools, or the Superintendent’s designee;

21 (4) the Attorney General, or the Attorney General’s designee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) the President of the State Board of Education, or the President's
2 designee;

3 (6) the Secretary of Information Technology, or the Secretary's designee;

4 (7) the Executive Director of the Public School Superintendents'
5 Association of Maryland, or the Executive Director's designee;

6 (8) the Executive Director of the Maryland Association of Boards of
7 Education, or the Executive Director's designee;

8 (9) the President of the Maryland State Education Association, or the
9 President's designee;

10 (10) the President of the Maryland PTA, or the President's designee; and

11 (11) the following three members appointed by the Chair of the Council:

12 (i) one School Data Privacy Officer, or the Officer's designee; and

13 (ii) two representatives of companies, trade associations, or groups
14 who have professional experience in the area of student data privacy or online educational
15 technology services.

16 (d) The State Superintendent of Schools or the Superintendent's designee shall
17 chair the Council and is responsible for the administration of the Council.

18 (e) The State Department of Education shall provide staff for the Council.

19 (f) A member of the Council:

20 (1) may not receive compensation as a member of the Council; but

21 (2) is entitled to reimbursement for expenses under the Standard State
22 Travel Regulations, as provided in the State budget.

23 (g) The Council shall:

24 (1) study the development and implementation of the Student Data
25 Privacy Act of 2015 to evaluate the impact of the Act on:

26 (i) the protection of covered information from unauthorized access,
27 destruction, use, modification, or disclosure; and

28 (ii) the implementation and maintenance of reasonable security
29 procedures and practices to protect covered information under the Act;

1 (2) review and analyze similar laws and best practices in other states; and

2 (3) make recommendations regarding:

3 (i) statutory and regulatory changes to the Student Data Privacy
4 Act based on the findings of the Council; and

5 (ii) repealing the termination date on the Act that established the
6 Council to allow the Council to continue its evaluation of student data privacy in the State
7 on a permanent basis.

8 (h) On or before December 31, 2017, the Student Data Privacy Council shall
9 report its findings and recommendations to the Governor and, in accordance with § 2-1246
10 of the State Government Article, the General Assembly.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2016. It shall remain effective for a period of 2 years and, at the end of May 31, 2018,
13 with no further action required by the General Assembly, this Act shall be abrogated and
14 of no further force and effect.