SENATE BILL 277

E5, F5 2lr0421

By: **Senator McCray**
Introduced and read first time: January 19, 2022
Assigned to: Judicial Proceedings

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)

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

1   **Article – Correctional Services**

2   3–608.

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

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

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

15   **Article – Education**

16   24–701.

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

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

19   (c)   (1)   "Child welfare data" means data relating to a child's experience with
20   child protective services, family preservation services, and State–sponsored out–of–home
21   services.

22   (2)   "Child welfare data" includes:

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

24   1.   Supervising jurisdiction;

25   2.   Removal reason;

26   3.   Characteristics at the time of removal;

27   4.   Return reason;

28   5.   Placement start and end dates; and

1			6.	Placement type;
2		(ii)		Family preservation services data, including:
3			1.	Supervising jurisdiction;
4			2.	Type of family preservation service; and
5			3.	Service start and end dates; and
6		(iii)		Child protective services data, including:
7			1.	Responsible jurisdiction;
8			2.	Type of child protective service response;
9			3.	Date on which child protective services responded;
10			4.	Alleged maltreatment type;

11   5.   Disposition of an investigative response by child protective
12 services; and

13   6.   Date on which child protective services completes a
14 response.

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

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

21   [(e)] **(F)**   "Governing Board" means the Governing Board of the Maryland
22 Longitudinal Data System Center.

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

25   (2)   "Industry certificate" does not include a business license or vocational
26 certificate.

27   [(g)] **(H)**   "Industry certifier" means a nationally recognized, third–party entity
28 using predetermined standards for knowledge and skills that prepare an individual to work
29 in a career field.

1   **[(h)] (I)**   "License" means an occupational or professional license issued to an
2   individual under the Business Occupations and Professions Article, the Business
3   Regulation Article, or the Health Occupations Article.

4   **[(i)] (J)**   "Licensing authority" means a State entity that issues a license to an
5   individual.

6   **[(j)] (K)**   (1)   "Personally identifiable information" means data that can be
7   used to identify a particular individual and match that individual's student or workforce
8   record across different data sources.

9   (2)   "Personally identifiable information" includes:

10   (i)   Name;

11   (ii)   Date of birth; and

12   (iii)   Social Security number, SASID, or other government–assigned
13   identification number.

14   **[(k)] (L)**   "State Assigned Student Identifier" or "SASID" means the identifier
15   assigned to each student by:

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

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

20   **[(l)] (M)**   (1)   "Student data" means data relating to or impacting student
21   performance.

22   (2)   "Student data" includes:

23   (i)   State and national assessments;

24   (ii)   Course–taking and completion;

25   (iii)   Grade point average;

26   (iv)   Remediation;

27   (v)   Retention;

28   (vi)   Degree, diploma, or credential attainment;

1   (vii)   Enrollment;

2   (viii)   Demographic data;

3   (ix)   Juvenile delinquency records;

4   (x)   Elementary and secondary school disciplinary records;

5   (xi)   Child welfare data;

6   (xii)   License, industry certificate, or vocational certificate; **[**and**]**

7   (xiii)   Personally identifiable information**; AND**

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

9   (3)   "Student data" does not include:

10   (i)   **[**Criminal and**]** CINA records; and

11   (ii)   Medical and health records.

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

16   **[**(n)**] (O)**   "Workforce data" means data about employees relating to:

17   (1)   Employment status;

18   (2)   Wage information;

19   (3)   Geographic location of employment;

20   (4)   Employer information; and

21   (5)   Personally identifiable information.

22 24–703.

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

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

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

4   (i)   The State Department of Education;

5   (ii)   Local education agencies;

6   (iii)   The Maryland Higher Education Commission;

7   (iv)   Institutions of higher education;

8   (v)   The Maryland Department of Labor;

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

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

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

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

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

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

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

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

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

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

26   (4)   Conduct research using timely and accurate student data **[and]**,
27 workforce data, **AND CORRECTIONAL SERVICES DATA** to improve the State's education
28 system and guide decision making by State and local governments, educational agencies,
29 institutions, teachers, and other education professionals;

1   (5)   Conduct research relating to:

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

3   (ii)   The performance of educator preparation programs;

4   (iii)   Best practices regarding classroom instruction, education
5   programs and curriculum, and segment alignment; **[**and**]**

6   (iv)   The impact child welfare programs have on the educational and
7   economic outcomes of students; **AND**

8   **(V)   CORRECTIONAL SERVICES DATA, EXPRESSED IN NUMBERS**
9   **AND PERCENTAGES, INCLUDING:**

10   **1.   3–YEAR AND 5–YEAR TRENDS IN RECIDIVISM,**
11   **INCLUDING AN INMATE'S REASON FOR INCARCERATION;**

12   **2.   THE COST OF INCARCERATION PER INMATE;**

13   **3.   THE FOLLOWING METRICS ON RELEASED**
14   **INDIVIDUALS, INCLUDING THEIR:**

15   **A.   POSSESSION OF A STATE–ISSUED PHOTO ID AT THE**
16   **TIME OF RELEASE;**

17   **B.   NEED FOR SUPPORT RELATED TO HOUSING, FAMILY**
18   **MEDIATION, JOB PLACEMENT AND TRAINING, HEALTH CARE, MENTAL HEALTH**
19   **CARE, AND SUBSTANCE ABUSE TREATMENT;**

20   **C.   USE OF A CASE MANAGER OR A RE–ENTRY PLAN IN**
21   **PREPARATION FOR RELEASE;**

22   **D.   DEVICES USED TO ACCESS THE INTERNET;**

23   **E.   PARTICIPATION IN A WORK RELEASE OR OTHER**
24   **TRANSITION PROGRAM OF THE MARYLAND DEPARTMENT OF LABOR; AND**

25   **F.   AGE, RACE, GENDER, TYPE OF OFFENSE, SENTENCE**
26   **LENGTH, AND TYPE OF RELEASE; AND**

27   **4.   INFORMATION ON CURRENT INMATES WHO ARE**
28   **RESIDENTS OF BALTIMORE CITY, INCLUDING THEIR:**

1   A.   HIGHEST LEVEL OF EDUCATION COMPLETED;

2   B.   PARTICIPATION IN A PRISON–BASED EDUCATION OR
3   TRAINING PROGRAM OF THE MARYLAND DEPARTMENT OF LABOR;

4   C.   PHYSICAL HEALTH AND MENTAL HEALTH, INCLUDING
5   ANY SUBSTANCE USE; AND

6   D.   NUMBER OF MINOR CHILDREN;

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

9   (i)   A researcher designated by the Board access to the data in the
10   Maryland Longitudinal Data System in accordance with the procedures for staff
11   authorization and data access established by the Maryland Longitudinal Data System
12   governing board;

13   (ii)   Aggregate data tables; or

14   (iii)   Research or evaluation;

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

18   (i)   The Maryland Department of Health;

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

20   (iii)   The Department of Human Services;

21   (IV)   THE MARYLAND DEPARTMENT OF LABOR; AND

22   (V)   THE DIVISION OF CORRECTION WITHIN THE DEPARTMENT
23   OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

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

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

29   (10)   Fulfill approved public information requests.

1 24–704.

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

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

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

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

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

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

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

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

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

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

14 [(8)] **(9)** A representative of local superintendents of schools, appointed
15 by the Governor with the advice and consent of the Senate;

16 [(9)] **(10)** A representative of the executive directors of the health
17 occupations boards, appointed by the Governor with the advice and consent of the Senate;

18 [(10)] **(11)** The Executive Director of the Maryland Association of
19 Community Colleges, or the Executive Director's designee;

20 [(11)] **(12)** The President of the Maryland Independent College and
21 University Association, or the President's designee; and

22 [(12)] **(13)** Four members of the public, appointed by the Governor with the
23 advice and consent of the Senate.

24 24–707.

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

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

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

7   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2022.