

Education, Health, and Environmental Affairs Committee

HB 704 – Maryland Longitudinal Data System – Student Data and Governing Board

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March 20, 2019

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Thank you for the opportunity to submit written testimony in support of *HB 704 – Maryland Longitudinal Data System – Student Data and Governing Board* with a clarifying amendment. This legislation allows the Maryland Longitudinal Data System (MLDS) Center to collect and analyze student discipline records as well as student unit record data maintained by the Department of Juvenile Services (DJS). Under current law, MLDS does not have the authority to collect student disciplinary data or any education records maintained by DJS.

The bill was introduced on the recommendation of the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. This Commission recommended MLDS collect elementary and secondary school disciplinary records and student unit record data from DJS. However, the legislation was drafted broadly and applies to all disciplinary records maintained by organizations that participate in the MLDS, including institutions of higher education.

The Family Educational Rights and Privacy Act (FERPA) prohibits institutions of higher education from sharing student unit record data with limited exceptions. Furthermore, institutions of higher education are responsible for the continued management and/or mismanagement of all student unit record data shared with third parties. As drafted, the legislation may violate FERPA and would cause logistical complications for colleges and universities.

Given the intent of the legislation is to permit the MLDS Center to collect elementary and secondary disciplinary data, we urge the Committee to adopt the attached clarifying amendment.

AMENDMENT TO HOUSE BILL 704
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 17, strike “DISCIPLINE” and substitute “ELEMENTARY AND SECONDARY SCHOOL DISCIPLINARY”.