

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 491, L.D. 1356, Bill, "An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §6005 is enacted to read:

§6005. Maine Statewide Longitudinal Data System

The department shall develop and maintain the Maine Statewide Longitudinal Data System, a continuing program of information management, the purpose of which is to compile, maintain and disseminate information concerning the educational histories, placement, employment and other measures of success of participants in state educational programs. The commissioner may require a school administrative unit to collect and report individual student social security numbers to implement the Maine Statewide Longitudinal Data System.

1. Placement information. A project conducted by the department that requires placement information must use information provided through the Maine Statewide Longitudinal Data System. The department shall implement an automated system that matches the social security numbers of former participants in state educational and training programs with information in the files of state and federal agencies that maintain educational, employment and United States armed services records and shall implement procedures to identify the occupations of those former participants whose social security numbers are found in employment records.

2. Dissemination of education records. The Maine Statewide Longitudinal Data System may not make public any information that could identify an individual or the individual's employer. The department must ensure that the purpose of obtaining placement information is to evaluate and improve education programs or to conduct research for the purpose of improving education services. Education records must be managed in compliance with the federal Family Educational Rights and Privacy Act of

COMMITTEE AMENDMENT

R 49

1 1974, 20 United States Code, Section 1232g, referred to in this section as "FERPA."
2 Personally identifiable information in an education record that is not directory
3 information may be released to other agencies within State Government, including
4 postsecondary institutions, only under a signed memorandum of understanding requiring
5 compliance with FERPA.

6 **3. Notification and consent.** If the commissioner requires a school administrative
7 unit to collect and report individual social security numbers pursuant to section 15689-B,
8 subsection 7, the school administrative unit must notify parents in the annual notice
9 required under FERPA that the data is being collected and used for longitudinal data
10 purposes and must request the parent to provide written consent to use the child's social
11 security number for the collection of longitudinal data. The parental notification must
12 include an explanation of the parent's right that the child's social security number is not
13 required as a condition of enrollment and that the child's social security number may not
14 be used for longitudinal data purposes unless the parent provides prior written consent.
15 When a student attains 18 years of age, the written consent must be obtained from the
16 student, and the rights accorded to the parent before the student attained 18 years of age
17 are then accorded to the student.

18 **Sec. 2. 20-A MRSA §15689-B, sub-§7,** as amended by PL 2007, c. 539, Pt. C,
19 §13, is further amended to read:

20 **7. Required data; subsidy payments withheld.** A school administrative unit shall
21 provide the commissioner with information that the commissioner requests to carry out
22 the purposes of this chapter, according to time schedules that the commissioner
23 establishes. For the purposes of the Maine Statewide Longitudinal Data System
24 established pursuant to section 6005, the commissioner may require a school
25 administrative unit to collect and report individual student social security numbers. The
26 commissioner may withhold monthly subsidy payments from a school administrative unit
27 when information is not filed in the specified format and with specific content and within
28 the specified time schedules. If the school administrative unit files the information in the
29 specified format, the ~~Department of Education~~ department shall include the payment of
30 the withheld subsidy in the next regularly scheduled monthly subsidy payment.

31 **Sec. 3. Administrative letter.** The Commissioner of Education shall send an
32 administrative letter to superintendents, principals and school counselors regarding the
33 establishment of the Maine Statewide Longitudinal Data System pursuant to the Maine
34 Revised Statutes, Title 20-A, section 6005. The letter must provide school officials with
35 information regarding the requirements of this Act, including suggested language to be
36 included in the annual notice to parents required under the Family Educational Rights and
37 Privacy Act of 1974. The suggested language for parental notification must include an
38 explanation of a parent's right that the child's social security number is not required as a
39 condition of enrollment and that the child's social security number may not be used for
40 the purposes of the Maine Statewide Longitudinal Data System unless the parent provides
41 prior written consent.

42 **SUMMARY**

43 This amendment replaces the bill. The amendment accomplishes the following.

R. 6. 5.

COMMITTEE AMENDMENT "A" to S.P. 491, L.D. 1356

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1. It reallocates the provisions establishing the Maine Statewide Longitudinal Data System from the Maine Revised Statutes, Title 20-A, chapter 606-B to chapter 221, subchapter 1, which pertains to student records.

2. It provides that if the Commissioner of Education requires a school administrative unit to collect and report individual social security numbers, that the school administrative unit must notify parents in the annual notice required under the federal Family Educational Rights and Privacy Act of 1974, "FERPA," that the data is being collected and used for longitudinal data purposes and that the school administrative unit requests that the parent provides written consent to use the child's social security number for the collection of longitudinal data for the parent's child.

3. It provides that the parental notification must include an explanation of the parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for longitudinal data purposes unless the parent provides prior written consent. It also provides that when a student attains 18 years of age, the written consent required of the parent, and the rights accorded to the parent, are thereafter required of and accorded to the student.

4. It clarifies that personally identifiable information contained in an educational record that is not directory information as defined by FERPA may only be released to other state agencies and postsecondary education institutions under a signed memorandum of understanding in compliance with FERPA.

5. It directs the Commissioner of Education to send an administrative letter to superintendents, principals and school counselors on the establishment of the Maine Statewide Longitudinal Data System, including suggested language to be included in the annual notice to parents required under FERPA that explains a parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for the purposes of the Maine Statewide Longitudinal Data System unless the parent provides prior written consent.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 1356

LR 531(02)

An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity

This legislation provides that 1) the Commissioner of Education may require school administrative units (SAU's) to collect and report individual student social security numbers; and that 2) if SAU's are required to collect and report individual social security numbers, local SAU's must include in the annual notice to parents, required under the federal Family Educational Rights and Privacy Act of 1974 (FERPA), that the data is being collected, what the data will be used for and a request for the parents written consent to provide the information.

Unit Affected

School

Local Cost

Moderate
statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

According to information provided by the Department of Education, the Commissioner will not require school administrative units to collect and report individual student social security numbers unless and until additional federal funding is received to expand the Department's current K-12 longitudinal data system to a statewide system that will also include postsecondary and workforce information. The American Recovery and Reinvestment Act of 2009 includes \$250 million to the U.S. Department of Education's Institute of Education Sciences for competitive grants for statewide data systems. The U.S. Department of Education plans to award half that money in June or July of this year, with the balance being awarded in September and October of 2009.

Additional costs to the Department of Education to prepare and send the required administrative letter can be absorbed within existing budgeted resources.