

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1356

S.P. 491

In Senate, April 2, 2009

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

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.
Cosponsored by Representative SUTHERLAND of Chapman and
Senators: BARTLETT of Cumberland, JACKSON of Aroostook, President MITCHELL of
Kennebec, RECTOR of Knox, WESTON of Waldo, Representatives: CROCKETT of Augusta,
LOVEJOY of Portland, MILLER of Somerville, PIOTTI of Unity, STUCKEY of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §15689-B, sub-§7**, as amended by PL 2007, c. 539, Pt. C,
3 §13, is further amended to read:

4 **7. Required data; subsidy payments withheld.** A school administrative unit shall
5 provide the commissioner with information that the commissioner requests to carry out
6 the purposes of this chapter, according to time schedules that the commissioner
7 establishes. For longitudinal data purposes, the commissioner may require a school
8 administrative unit to collect and report individual student social security numbers. The
9 commissioner may withhold monthly subsidy payments from a school administrative unit
10 when information is not filed in the specified format and with specific content and within
11 the specified time schedules. If the school administrative unit files the information in the
12 specified format, the Department of Education department shall include the payment of
13 the withheld subsidy in the next regularly scheduled monthly subsidy payment.

14 A. The department shall develop and maintain the Maine Statewide Longitudinal
15 Data System, a continuing program of information management, the purpose of
16 which is to compile, maintain and disseminate information concerning the
17 educational histories, placement, employment and other measures of success of
18 participants in state educational programs.

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

27 C. The Maine Statewide Longitudinal Data System may not make public any
28 information that could identify an individual or the individual's employer. The
29 department must ensure that the purpose of obtaining placement information is to
30 evaluate and improve education programs or to conduct research for the purpose of
31 improving education services.

32 D. Information pertaining to individual students must be managed in compliance
33 with the federal Family Educational Rights and Privacy Act of 1974, 20 United States
34 Code, Section 1232g, referred to in this subsection as "FERPA." Any such
35 information may be released to other agencies within State Government, including
36 postsecondary institutions, only under a signed memorandum of understanding
37 requiring compliance with FERPA. Student information may be released only in the
38 aggregate. Individually identifiable student data may not be released.

39 E. If the commissioner requires a school administrative unit to collect and report
40 individual social security numbers, the school administrative unit must notify parents
41 in the annual notice required under FERPA that the data is being collected and used
42 for longitudinal data purposes and that the parent has the right to opt out of the
43 collection of data for the parent's child.

SUMMARY

1
2 This bill requires the Department of Education to develop and maintain the Maine
3 Statewide Longitudinal Data System. The purpose of this system is to improve the ability
4 of the Department of Education to conduct longitudinal data studies by permitting the use
5 of student social security numbers for the tracking of individual student enrollment
6 history and achievement data over time. Data must be collected and used in compliance
7 with the federal Family Educational Rights and Privacy Act of 1974.