

## Chapter 398

**(House Bill 245)**

AN ACT concerning

**Education – Student Data Privacy Council**

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

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

- (a) In this section, “Council” means the Student Data Privacy Council.
- (b) There is a Student Data Privacy Council.
- (c) The Council consists of the following members:
  - (1) ~~two members~~ one member of the Senate of Maryland, appointed by the President of the Senate;
  - (2) ~~two members~~ one member of the House of Delegates, appointed by the Speaker of the House;
  - (3) the State Superintendent of Schools, or the Superintendent’s designee;
  - (4) ~~the Attorney General, or the Attorney General’s designee;~~
  - (5) ~~the President of the State Board of Education, or the President’s designee;~~
  - (6) the Secretary of Information Technology, or the Secretary’s designee;
  - (7) (5) the Executive Director of the Public School Superintendents’ Association of Maryland, or the Executive Director’s designee;
  - (8) (6) the Executive Director of the Maryland Association of Boards of Education, or the Executive Director’s designee;

~~(9)~~ (7) the President of the Maryland State Education Association, or the President's designee;

~~(10)~~ (8) the President of the Maryland PTA, or the President's designee;

and

~~(11)~~ (9) the following members appointed by the Chair of the Council:

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

(ii) one School Information Technology Officer, or the Officer's designee;

(iii) ~~two representatives of companies, trade associations, or groups who have~~ one representative of a company, trade association, or group who has professional experience in the area of student data privacy or online educational technology services;

(iv) ~~two members~~ one member of the academic community who ~~study~~ studies K-12 student data privacy; ~~and~~

(v) ~~two advocates~~ one advocate for student data privacy who ~~do~~ does not have a professional relationship with a provider of online educational technology services;

(vi) one attorney who is knowledgeable in the laws and regulations that pertain to local school systems;

(vii) one school-based administrator from a public school in the State;

and

(viii) one teacher from a public school in the State; ~~and~~

~~(vi) two parents of a student enrolled in a public school in the State.~~

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

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

(f) A member of the Council:

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

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

(g) The Council shall:

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

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

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

(iii) the implementation and maintenance of reasonable privacy controls to protect covered information under the Act;

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

(3) review and analyze developments in technologies as they may relate to student data privacy; and

(4) make recommendations regarding:

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

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

(h) On or before December 31, 2020, the Student Data Privacy Council shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 2 years and, at the end of May 31, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 13, 2019.**