

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 894 (Senator Hester)
Education, Health, and Environmental Affairs

County Boards of Education - Computer Science Courses

This bill requires each local board of education, beginning in the 2022-2023 school year, to submit an annual report on computer science courses to the General Assembly and the State Board of Education. The report must include the number of computer science courses offered in each public school in the county, along with other specified information and disaggregated data. Each local board must post the prior fiscal year data (*i.e.*, data required to be included in the annual report) conspicuously on its website.

Fiscal Summary

State Effect: None. The Maryland State Department of Education (MSDE) can provide any requested technical assistance with existing resources.

Local Effect: Some local school systems may incur additional costs to meet specific data gathering and reporting requirements of the bill. **The bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background:

Computer Science Courses

Chapter 358 of 2018 requires, beginning in the 2021-2022 school year, each public high school to offer at least one high-quality computer science course that meets or exceeds the

curriculum standards and requirements established by the State Board of Education. Local boards must also make efforts to (1) incorporate computer science in each public elementary and middle school and (2) increase enrollment in middle and high school computer science courses from the following categories:

- female students;
- students with disabilities; and
- students of ethnic, racial, and other demographic groups that are underrepresented in the field of computer science as identified by the U.S. Equal Employment Opportunity Commission.

Student Data Collection

Since 1968, the U.S. Department of Education (USDE) has conducted the Civil Rights Data Collection (CRDC) to collect data on key education and civil rights issues in our nation's public schools. CRDC collects a variety of information including student enrollment and educational programs and services, most of which is disaggregated by race/ethnicity, sex, limited English proficiency, and disability. CRDC is a longstanding and important aspect of the USDE Office for Civil Rights overall strategy for administering and enforcing the civil rights statutes for which it is responsible. Local educational agencies (LEAs) report required data to USDE. Information collected by CRDC is also used by other USDE offices as well as policymakers and researchers.

Furthermore, much of what is required in the legislation is currently collected in various data collections managed by MSDE, including the Student-Teacher-Course-Grade data collection which entails data on specific courses, which teacher(s) teach a course, and student grade level, gender, race, ethnicity, English learner status, special education status, and eligibility for free and reduced-price meals.

Student Data Privacy

The Student Data Privacy Act of 2015 (Chapter 413) requires an operator of specified websites, online services, online applications, and mobile applications designed primarily for a preK-12 public school purpose operating in accordance with a contract to (1) protect covered information from unauthorized access, destruction, use, modification, or disclosure; (2) implement and maintain reasonable security procedures and practices to protect covered information; and (3) delete covered information upon request of the public school or local school system. In addition, an operator may not knowingly (1) engage in targeted advertising based on the data collected through the website, online service, or application; (2) except in furtherance of a preK-12 school purpose, use information to make a profile about a student; (3) sell a student's information, except as provided; or (4) disclose covered information, except as detailed in the law. Operators may use aggregated or

de-identified information under certain circumstances. Chapter 413 does not apply to general audience websites, online services, online applications, or mobile applications, even if a login is created.

At the federal level, the Family Educational Rights and Privacy Act (FERPA) and the Children's Online Privacy Protection Act (COPPA) govern the privacy of student data when educational institutions engage cloud service providers. FERPA generally prohibits the disclosure by schools that receive federal education funding of personally identifiable information from a student's education records, unless the educational institution has obtained signed and dated written consent from a parent or eligible student or one of FERPA's exceptions applies.

COPPA governs operators of websites and online services that are directed to children younger than age 13 and operators of general audience websites or online services that have actual knowledge that a user is younger than age 13. Notably, the Federal Trade Commission has clarified that if an educational institution contracts with a cloud service provider that uses the students' data for advertising or marketing purposes, then COPPA is triggered.

According to the Code of Maryland Regulations, individual student records maintained by teachers or other school personnel under certain provisions are to be confidential in nature, and access to these records may be granted only for the purpose of serving legitimate and recognized educational ends. Individual student records, with the exception of records that are designated as permanent and with other exceptions provided by law, must be destroyed when they are no longer able to serve legitimate and recognized educational ends.

Educational institutions are bound by FERPA to protect the privacy of student and family information. In addition, MSDE follows guidelines specified by the Maryland Department of Information Technology's Information Security Policy.

Local Expenditures: Though LEAs currently must gather and report much of the data required under the bill, at least some LEAs may incur some additional costs to meet each specific data gathering and reporting requirement of the bill.

Additional Information

Prior Introductions: HB 1224 of 2019 passed the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: HB 1195 (Delegate Rose, *et al.*) - Ways and Means.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Montgomery County Public Schools; Department of Legislative Services

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