

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

A. 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.

B. 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.

C. 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.

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

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

SUMMARY

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