

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

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

**3. Notification and consent.** If the commissioner requires a school administrative unit to collect and report individual social security numbers pursuant to section 15689-B, subsection 7, 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 must request the parent to provide written consent to use the child's social security number for the collection of longitudinal data. 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. When a student attains 18 years of age, the written consent must be obtained from the student, and the rights accorded to the parent before the student attained 18 years of age are then accorded to the student.

**Sec. 2. 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 the purposes of the Maine Statewide Longitudinal Data System established pursuant to section 6005, 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.

**Sec. 3. Administrative letter.** The Commissioner of Education shall send an administrative letter to superintendents, principals and school counselors regarding the establishment of the Maine Statewide Longitudinal Data System pursuant to the Maine Revised Statutes, Title 20-A, section 6005. The letter must provide school officials with information regarding the requirements of this Act, including suggested language to be included in the annual notice to parents required under the Family Educational Rights and Privacy Act of 1974. The suggested language for parental notification must include an explanation of 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. '

## SUMMARY

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

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.