

**124<sup>th</sup> Legislature LD 1356 SP0491**  
**Education And Cultural Affairs**

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.) **Presented by** Senator MILLS P of Somerset. **Public Hearing** 05/06/09. OTP-AM Accepted 06/04/09. **Amended by:** CA S-301, SA/CA S-345. **Final Disposition:** Enacted, Signed 06/19/09, PUBLIC LAWS, Chapter 448.

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

cohol level or drug concentration in the same manner as for OUI.

**Sec. 68. 29-A MRSA §2523, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Mandatory submission to test.** A person who operates a commercial motor vehicle shall submit to a test to determine ~~the blood-alcohol~~ that person's alcohol level or drug concentration if there is probable cause to believe that the person has operated a commercial motor vehicle while having ~~a blood-alcohol~~ an alcohol level of ~~0.04% or more~~ 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of drugs.

**Sec. 69. 29-A MRSA §2523, sub-§3, ¶A**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. There is probable cause to believe the person operated a commercial motor vehicle while under the influence of drugs or with ~~a blood-alcohol~~ an alcohol level of ~~0.04% or more by weight of alcohol~~ 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

**Sec. 70. 29-A MRSA §2524, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**4. Chemical tests on breath and urine specimens.** A sample specimen of breath or urine may be submitted to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting chemical tests to determine ~~blood-alcohol~~ alcohol level or drug concentration.

**Sec. 71. 29-A MRSA §2524, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**5. Equipment for taking specimens.** Only equipment having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of breath or urine, except that a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the ~~blood-alcohol~~ alcohol level.

Approved testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

**Sec. 72. Implementation.** The Department of Public Safety and the Secretary of State shall imple-

ment the provisions of this Act within existing budgeted resources.

See title page for effective date.

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## CHAPTER 448

S.P. 491 - L.D. 1356

### 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 §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 only if additional federal funding is received to expand the department's kindergarten to grade 12 longitudinal data system existing as of the effective date of this section to a statewide 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 informa-

tion 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~~ department 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 par-

ent'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.

See title page for effective date.

## CHAPTER 449

### H.P. 447 - L.D. 633

#### An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention

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

**Sec. 1. 17-A MRSA §751-A,** as amended by PL 2001, c. 128, §1, is repealed.

**Sec. 2. 17-A MRSA §751-B** is enacted to read:

#### **§751-B. Refusing to submit to arrest or detention**

1. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person:

A. Refuses to stop on request or signal of a law enforcement officer. Violation of this paragraph is a Class E crime;

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime; or

C. Creates a substantial risk of bodily injury to the law enforcement officer. Violation of this paragraph is a Class D crime.

2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. It is a defense to prosecution under subsection 1, paragraph A that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

#### CORRECTIONS - STATE BOARD OF

##### State Board of Corrections Investment Fund Z087

Initiative: Appropriates funds for the incremental costs associated with one projected incarceration in a county jail.

GENERAL FUND

2009-10

2010-11

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1356

S.P. 491

In Senate, April 2, 2009

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

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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.

Date: 6-4-09

(Filing No. S-301)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 491, L.D. 1356, Bill, "An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies"

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

COMMITTEE AMENDMENT

R.S.

1 1974, 20 United States Code, Section 1232g, referred to in this section as "FERPA."  
2 Personally identifiable information in an education record that is not directory  
3 information may be released to other agencies within State Government, including  
4 postsecondary institutions, only under a signed memorandum of understanding requiring  
5 compliance with FERPA.

6 **3. Notification and consent.** If the commissioner requires a school administrative  
7 unit to collect and report individual social security numbers pursuant to section 15689-B,  
8 subsection 7, the school administrative unit must notify parents in the annual notice  
9 required under FERPA that the data is being collected and used for longitudinal data  
10 purposes and must request the parent to provide written consent to use the child's social  
11 security number for the collection of longitudinal data. The parental notification must  
12 include an explanation of the parent's right that the child's social security number is not  
13 required as a condition of enrollment and that the child's social security number may not  
14 be used for longitudinal data purposes unless the parent provides prior written consent.  
15 When a student attains 18 years of age, the written consent must be obtained from the  
16 student, and the rights accorded to the parent before the student attained 18 years of age  
17 are then accorded to the student.

18 **Sec. 2. 20-A MRSA §15689-B, sub-§7,** as amended by PL 2007, c. 539, Pt. C,  
19 §13, is further amended to read:

20 **7. Required data; subsidy payments withheld.** A school administrative unit shall  
21 provide the commissioner with information that the commissioner requests to carry out  
22 the purposes of this chapter, according to time schedules that the commissioner  
23 establishes. For the purposes of the Maine Statewide Longitudinal Data System  
24 established pursuant to section 6005, the commissioner may require a school  
25 administrative unit to collect and report individual student social security numbers. The  
26 commissioner may withhold monthly subsidy payments from a school administrative unit  
27 when information is not filed in the specified format and with specific content and within  
28 the specified time schedules. If the school administrative unit files the information in the  
29 specified format, the ~~Department of Education~~ department shall include the payment of  
30 the withheld subsidy in the next regularly scheduled monthly subsidy payment.

31 **Sec. 3. Administrative letter.** The Commissioner of Education shall send an  
32 administrative letter to superintendents, principals and school counselors regarding the  
33 establishment of the Maine Statewide Longitudinal Data System pursuant to the Maine  
34 Revised Statutes, Title 20-A, section 6005. The letter must provide school officials with  
35 information regarding the requirements of this Act, including suggested language to be  
36 included in the annual notice to parents required under the Family Educational Rights and  
37 Privacy Act of 1974. The suggested language for parental notification must include an  
38 explanation of a parent's right that the child's social security number is not required as a  
39 condition of enrollment and that the child's social security number may not be used for  
40 the purposes of the Maine Statewide Longitudinal Data System unless the parent provides  
41 prior written consent. '

42 **SUMMARY**

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

R & S

COMMITTEE AMENDMENT "A" to S.P. 491, L.D. 1356

- 1           1. It reallocates the provisions establishing the Maine Statewide Longitudinal Data  
2 System from the Maine Revised Statutes, Title 20-A, chapter 606-B to chapter 221,  
3 subchapter 1, which pertains to student records.
- 4           2. It provides that if the Commissioner of Education requires a school administrative  
5 unit to collect and report individual social security numbers, that the school  
6 administrative unit must notify parents in the annual notice required under the federal  
7 Family Educational Rights and Privacy Act of 1974, "FERPA," that the data is being  
8 collected and used for longitudinal data purposes and that the school administrative unit  
9 requests that the parent provides written consent to use the child's social security number  
10 for the collection of longitudinal data for the parent's child.
- 11          3. It provides that the parental notification must include an explanation of the  
12 parent's right that the child's social security number is not required as a condition of  
13 enrollment and that the child's social security number may not be used for longitudinal  
14 data purposes unless the parent provides prior written consent. It also provides that when  
15 a student attains 18 years of age, the written consent required of the parent, and the rights  
16 accorded to the parent, are thereafter required of and accorded to the student.
- 17          4. It clarifies that personally identifiable information contained in an educational  
18 record that is not directory information as defined by FERPA may only be released to  
19 other state agencies and postsecondary education institutions under a signed  
20 memorandum of understanding in compliance with FERPA.
- 21          5. It directs the Commissioner of Education to send an administrative letter to  
22 superintendents, principals and school counselors on the establishment of the Maine  
23 Statewide Longitudinal Data System, including suggested language to be included in the  
24 annual notice to parents required under FERPA that explains a parent's right that the  
25 child's social security number is not required as a condition of enrollment and that the  
26 child's social security number may not be used for the purposes of the Maine Statewide  
27 Longitudinal Data System unless the parent provides prior written consent.

**FISCAL NOTE REQUIRED**  
(See attached)

**COMMITTEE AMENDMENT**



# 124th MAINE LEGISLATURE

LD 1356

LR 531(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: Education and Cultural Affairs  
Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

##### Required Activity

This legislation provides that 1) the Commissioner of Education may require school administrative units (SAU's) to collect and report individual student social security numbers; and that 2) if SAU's are required to collect and report individual social security numbers, local SAU's must include in the annual notice to parents, required under the federal Family Educational Rights and Privacy Act of 1974 (FERPA), that the data is being collected, what the data will be used for and a request for the parents written consent to provide the information.

##### Unit Affected

School

##### Local Cost

Moderate  
statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

#### Fiscal Detail and Notes

According to information provided by the Department of Education, the Commissioner will not require school administrative units to collect and report individual student social security numbers unless and until additional federal funding is received to expand the Department's current K-12 longitudinal data system to a statewide system that will also include postsecondary and workforce information. The American Recovery and Reinvestment Act of 2009 includes \$250 million to the U.S. Department of Education's Institute of Education Sciences for competitive grants for statewide data systems. The U.S. Department of Education plans to award half that money in June or July of this year, with the balance being awarded in September and October of 2009.

Additional costs to the Department of Education to prepare and send the required administrative letter can be absorbed within existing budgeted resources.

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L.D. 1356

Date: 6-11-09

(Filing No. S-345)

Reproduced and distributed under the direction of the Secretary of the Senate.

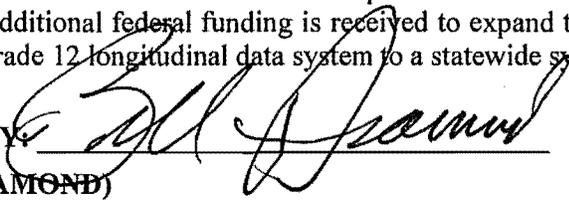
STATE OF MAINE  
SENATE  
124TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 491,  
L.D. 1356, Bill, "An Act To Improve the Ability of the Department of Education To  
Conduct Longitudinal Data Studies"

Amend the amendment in section 1 in §6005 in the first indented paragraph in the last  
line (page 1, line 22 in amendment) by striking out the following: "System." and inserting  
the following: 'System only if additional federal funding is received to expand the  
department's kindergarten to grade 12 longitudinal data system existing as of the effective  
date of this section to a statewide system.'

SUMMARY

This amendment provides that the Commissioner of Education may not require  
school administrative units to collect and report individual student social security  
numbers unless additional federal funding is received to expand the department's current  
kindergarten to grade 12 longitudinal data system to a statewide system.

SPONSORED BY:   
(Senator DIAMOND)  
COUNTY: Cumberland

TESTIMONY SIGN IN SHEET

Joint Standing Committee on Education & Cultural Affairs

LD: 1356

Date: 5-6-09

Name	Town/Affiliation	Proponent	Opponent	Neither
<i>Lee Lendron</i>	DOE	✓		
LAURA FORTMAN	DOL	✓		
<i>Dian Lynch</i>	MCA			
<i>Garrett Osicki</i>	NJC	✓		
Jenny Hartung	DOE	✓		
Laura Harper	ME Qs Lobby	✓		
<i>Grant Wise</i>	ME cap	✓		
<i>Alan Cabot Lewis</i>	Omni	✓		
Zachary Heide	MCLU		✓	
<i>John Paterson</i>	<i>None</i>		✓	
Juha Bell	Maine DD Council			✓
<i>Shirley Ten</i>	Hampton			✓

OFFICE OF POLICY AND LEGAL ANALYSIS

May 14, 2009

TO: Members, Joint Standing Committee on Education & Cultural Affairs

FROM: Phillip D. McCarthy, Ed.D., Legislative Analyst 

SUBJ: LD 1356, An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies (DOE bill presented by Sen. Mills)

**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.

**TESTIMONY**

**Proponents**

- ⊕ Mills agrees with need to track performance of students, including students who migrate from town to town; having a unique identifier is necessary to do this
- ⊕ Commissioner Gendron indicates it is useful to have access to student information in order to track students and determine effectiveness of special education programs, JMG, CDS, and related programs in DOL or DHHS programs and interventions
- ⊕ Commissioner Fortman, Maine DOL and Chair, Gov's Workforce Cabinet (GWC), link to workforce is the critical and we need social security number to connect student's education information with postsecondary education or work information; (e.g., tracked JMG participants and needed K-12 linkage); 2007 Postsecondary Access Commission urged GWC to track performance of our programs
- ⊕ Dean Crocker, Maine Children's Alliance, suggests child-serving systems must partner with schools to ensure positive outcomes; and inadequate data hampers interdepartmental efforts to improve outcomes for our children and youth
- ⊕ Garret Oswald, Director of Maine Jobs Council, (Maine's State Workforce Investment

**Opponents**

- ⊕ Zachary Heiden, Legal Director of the Maine Civil Liberties Union, while goal of bill is laudable, MCLU is very concerned about privacy issues; at a minimum, affirmative permission (or "opt-in") should be required
  - ⊕ John Patterson, lawyer from Freeport and VP for MCLU, do not doubt good motives, but need to balance the "good" (the value of this info to the efficacy of our education system) versus the "bad" (the risk of compromising the privacy of our information); [www.privacy.org](http://www.privacy.org) a 209 page clearinghouse of data breaches; meaningful opt-in process should be required; social security # is a link or "key" that can be used to access all your personal data, so be wary of permanent storage of personal data together with social security numbers
  - ⊕ MSMA for MSSA and MSBA oppose bill as identifying students using their social security numbers is an invasive way to track students and provides a key to other private information
- NFNA**
- ⊕ Julia Bell, Maine Developmental Disabilities Council, see benefit of bill, but concerned that language in bill permits DOE,

board), FL has been doing this for 20 years and have unduplicated records of all people who are served in state programs

⊕ Deb Gilmer, Center for Self Determination and Policy, and Co-Director of Maine State GEAR UP (presented by Jenny Hartung)

⊕ Laura Harper, Maine Women's Lobby, bill is of the utmost importance to women as increasing access to postsecondary education and we believe this bill will help policymakers know where we are before we are able to plan a coordinated and cohesive strategy

⊕ Kurt Wise, Maine Center for Economic Policy, high quality longitudinal data can help provide informative data to track performance in a unified system; use of social security numbers does not require

⊕ Dr. Alan Cobo-Lewis, professor, parent of a child with a disability, and co-chair of Subcommittee on Early Childhood Intervention, suggests one amendment regarding release of individually-identifying student data as it may have unintended consequences on research

but not other state agencies, to use information,; in our Pervasive Developmental Disorders (PDD) study, we need to access data from 7 data systems, so we are anxious to see if other state agencies can have an interface and cross walk; other concern is for information shared regarding special education students who do not want this information disclosed

⊕ Dr. Shihfen Tu, Associate Professor of Education, Univ. of Maine and Professor Mason, noted unintended consequence of Section D of bill that requires reporting of data only in the aggregate; reliance only on social security numbers can limit opportunities for collaboration; and to achieve full potential, a longitudinal data system will need capacity to link records beyond using social security numbers (i.e., see June 2008 "Linkage of Early Childhood Health and Education Data" report for MEPRI by Dr. Craig Mason)

#### **POTENTIAL ISSUES OR TECHNICAL PROBLEMS:**

⊕ Security and privacy issues; and how do we protect privacy and develop effective policies

⊕ Necessity of using a personal identifier to track children in school and other systems (e.g., behavioral health, juvenile justice or workforce development)

⊕ For WS; invite Dick Thompson, Director of OIT, to address system security provided for all state agencies, including various steps and links needed to access information

⊕ For work session, would like to learn about FL data warehouse and querying data system by state agencies and non-profit entities

⊕ Meaningful provision to "opt out" or "opt in"

⊕ For WS, could MCLU provide any information on how to make this bill more workable

⊕ Cost of creating this system, particularly if it requires new resources beyond existing technology

#### **FISCAL IMPACT:**

⊕ The preliminary fiscal impact statement has not yet been determined

**In Support of:**

**L.D. 1356 "An Act to Improve the Ability of the Department of Education To  
Conduct Longitudinal Data Studies"**

**Joint Standing Committee of Education and Cultural Affairs**

**Sponsored by: Senator Mills**

**Co-sponsored by Senators Weston, Rector, Jackson, Bartlett and Representatives  
Sutherland, Crockett, Lovejoy, Miller, Piotti and Stuckey**

Senator Alford, Representative Sutherland and members of the Committee on Education and Cultural Affairs. My name is Laura Fortman and I am the Commissioner of Labor and the chair of the Governor's Workforce Cabinet. I am here to speak in favor of L.D. 1356, "An Act to Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies."

The Workforce Cabinet was designed to focus attention of state agencies on workforce development and training needs in Maine and to foster coordination across state agencies. The Workforce Cabinet is made up of the Maine Community College System, University of Maine System, Department of Education, Department of Health and Human Services, Maine State Housing Authority, Department of Economic and Community Development, and the Finance Authority of Maine. We work together to improve the broad range of workforce issues facing Maine and its communities. We developed an inventory of Maine's Public Sector Investment in Workforce Development. One of the key priorities of the Cabinet has been a uniform and integrated data collection and performance management system with the capacity to measure and evaluate outcomes across departments.

Last year, the 123<sup>rd</sup> Legislature created the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-Wage, Low-Skilled Adults reported out in January, 2008. A key strategy identified by the Commission was establishing benchmarks and measuring results. There were three recommendations included in this report directing the Governor's Workforce Cabinet to address this issue by designing a measurement and accountability system.

The Department of Labor currently collects data through the Center for Workforce Research and Information. We use this data to develop and disseminate state and area labor market information to employers, job seekers, and other users such as legislators. This data provides measurements of labor market outcomes to assist local and state officials, employers, educators, trainers, and the public in making decisions that promote economic opportunity and efficient use of state labor resources. Lastly, data supports the Department with management and actuarial analyses for program planning and delivery. For example, CWRI has been on the pulse of tracking the current economic recession and

measuring our unemployment rates. There are three main reasons why implementing a longitudinal data base is important.

First, it would effectively link vast quantities of data on students and their achievements in schools with data detailing their future employment and earnings experiences in the labor market. Social security numbers serve as the most common and cost effective link to link this data. Allowing us to aggregate data on students into and through the labor market over time reveals important information about the efficacy of education and training programs and investments for a dynamic economy.

Secondly, it would allow us to understand whether programs to better wages and nontraditional employment outcomes for women work. For example, we have been unable to relate attendance at Totally Trades conferences or female enrollment in CTEs with later education or employment in nontraditional occupations. It would be incredibly valuable to be able to relate programs to better wages and nontraditional employment outcomes for women. Most data collected is not reported by gender, race or ethnicity and being able to assess quantitative information available through state agencies that combines labor, human services, and education is our best way to find out what's happening to marginalized and disadvantaged residents.

Lastly, it makes great economic sense. Lack of access to common data actually impairs customer service and wastes money and time as it complicates case management and doesn't allow for complete analysis of programs and services. We end up with both duplication and people falling through the cracks as a result of inhibited access to data.

We believe the benefits of this bill far outweigh any potential risk. We urge you to support LD 1356 and we will be available during the work session for any further questions or concerns.

STATE OF MAINE  
123rd LEGISLATURE  
FIRST REGULAR SESSION

Final Report

COMMISSION TO DEVELOP STRATEGIES TO  
INCREASE POSTSECONDARY ACCESS,  
RETENTION AND COMPLETION FOR  
LOW-WAGE, LOW-SKILLED ADULTS

January 2008

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## STRATEGY 3: ESTABLISH BENCHMARKS & MEASURE RESULTS

### Discussion

In her presentation to the Commission, Julie Strawn, Senior Policy Analyst for the Center for Law and Social Policy (CLASP), also noted that one of the biggest data challenges confronting Maine is the lack of longitudinal outcome data, across the continuum of education and training programs serving adults, and including wage data. She indicated that without this kind of information we cannot identify gaps in services, transition points at which adults fall through the cracks, or demonstrate which approaches improve success. Steps to align and improve the data collection systems in Maine include: (1) documenting what workers and employers most need from public workforce education and training programs; (2) mapping the biggest leaks in the skilled worker pipeline; (3) having the data capacity to follow individual adults over time, across programs, and into the labor market; (4) having the ability to disaggregate results by income, gender, age, race; (5) having the ability to demonstrate which new approaches work best; and (6) taking what works to scale.

### Findings

It is critically important that the State assess its progress in helping low-wage adults achieve postsecondary education. This requires a consistent system of data collection across Adult Education programs, Career Centers, community college and university campuses, as well as a commitment to track these data collectively on an annual statewide basis. While these entities currently collect pieces of these data, it is not done in a uniform way -- even among campuses in the same systems. Data can help to identify the "critical filter points" where many students drop out and determine what sorts of practices help students advance to further education and better jobs. It can also help to evaluate progress on critical state policy goals in this area.

It is important to create a set of benchmarks to track success in enrollment, retention and program completion for low-wage adults and reward institutional achievement of these benchmarks with an incentive payment system from additional sources of revenue. For example, additional revenues to create a state-funded flexible financial aid program to help students with child care and transportation might be used to incentivize institutions to reach benchmarks. This aid would help their students as well as their retention rates which need improvement on many campuses throughout the state.

Low-income students face many barriers to enrollment, retention and completion and thus need highly motivated college personnel to help them make progress at each stage. The clarity provided by a system of benchmarks, plus the availability of extra support services funding, should help further motivate colleges to focus on this student population and increase these students' chances for successful credential completion.

**Recommendation #12.** *The Legislature should work with the Career Centers, Adult Education programs, and community college and university systems to create a uniform data*

collection system relating to nontraditional-aged students, including but not limited to: household income and employment at time of entry into the system; prior training and learning; type of program sought; retention benchmarks; "stop-out" periods when the student, due to emergency or other necessity, must leave the system, and, to the extent possible, reasons for leaving; type of program completed; completion dates; duration of time in school; and outcome data, such as their employment and wages within four six month intervals after graduation. The Governor's Workforce Cabinet should undertake a review of all current indicators across systems, assess existing data collection systems, and recommend a uniform set of indicators, databases and surveys that should be established and updated. (See also Recommendation #14.)

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**Recommendation #13.** Policymakers should create a system of benchmarks that track success in enrollment, retention and credential completion for low-income adults and reward institutions that achieve these benchmarks through an incentive payment system using additional sources of revenue. The system designed to measure performance must ensure a consistent measurement program for each program provider across the system. Incentive awards to institutions should be based on success in meeting benchmarks as well as on a matrix that considers and rewards, for example: student access to dedicated staff for advising and support; the extent to which federal financial aid is maximized for students through application of "professional judgment" or other strategies; the existence of a properly executed memorandum of understanding with a college transition program to provide seamless transition for these students to their campus; completion rates to certificate or degree (e.g., 3 years for 2-year program and 6 years for 4-year programs, while making appropriate distinctions between "drop outs" and "stop outs"). As part of this tracking system, the Maine Community College System, the University of Maine System and the Finance Authority of Maine should be directed to report on low-income Pell Grant recipients or Maine State Grant recipients in a manner that permits tracking the progress of and outcome data relating to these recipients. The tracking system should also track job acquisition, employment rate, wage rate of participants, and reduction of individuals receiving public assistance. (See also Recommendation #19.)

## **STRATEGY 4: STRENGTHEN COORDINATION & ACCOUNTABILITY**

### Discussion

The current education and workforce development system, so far as it exists, is fragmented, lacks focus and is without clear priorities. There is a need to strengthen the current system, to create a seamless process that moves the adult education participant and the high school graduate along the path to a good-paying job.

Coordination built upon the "Career Center" model is useful, but there is also a need to address the perception that the career center is the "unemployment office" and not a place to begin college preparation. The main purpose of Career Centers is to connect people to employment; a secondary role is to retrain people for employment. There is a need to refocus programs and resources into a "consumer-driven" system in order to make a uniform "package of supports" available in a convenient manner, so that people in need (regardless of whether they

are at a Career Center or a community college system) receive the necessary information and resources to enter or continue along a career pathway.

The recently-established Governor's Workforce Cabinet is designed to focus attention of state agencies on workforce development and training needs in Maine and to foster coordination across state agencies. The cabinet meets monthly and includes the Department of Labor, Department of Economic & Community Development, Maine Department of Education, Department of Health & Human Services, University of Maine System, Maine Community College System, Maine State Housing Authority, and Finance Authority of Maine.

The Maine Department of Education has reported to the Cabinet that it received \$3.5 million, 3-year grant for data collection to track students from high school into postsecondary education and into employment, tracking where they are employed and what they earn along the way. This grant offers an opportunity for developing greater accountability within the system. Commissioner Fortman and President Fitzsimmons indicated to the committee that the Cabinet will review the opportunities provided by this grant to track the performance of our education and workforce development system.

As the Commission was in the midst of its deliberations, the Maine Department of Labor began to promulgate rules for the Competitive Skills Scholarship Program, which was established through legislation enacted during the First Regular Session; funding for the program will begin in April 2008 and it is too early to know what we can learn from it.

### Findings

Accountability in the system is difficult to achieve but essential. As we know from the low college achievement rate of our current adult population as a whole, we must do more to help adults enroll and succeed. Low-income students need even more assistance. It is critical to track performance and results at each step along the pathway, from getting students enrolled in college through completion of a degree program and into new or better jobs.

Commission members support the "reward for performance" concept as an incentive for reallocating existing resources to program delivery and service providers in order to: (1) increase the number or availability of counselors provided to advise low-wage, low-skilled individuals; (2) increase the number of low-wage, low-skilled individuals that enter a preparation program or enroll in a postsecondary education or training program; (3) increase the number of low-wage, low-skilled individuals that complete a degree or certificate program that prepares them for high-wage jobs in industries with significant demand for skilled workers; (4) increase the number of low-wage, low-skilled individuals that obtain a higher-wage job as compared to the wages earned for their job prior to entering the career pathway; and (4) decrease the number of low-wage, low-skilled individuals that are eligible for public benefits.

***Recommendation #14.** Develop a consistent measurement and accountability system to track Maine's progress in increasing the number of low-wage, low-skilled adults who attain postsecondary education. The Governor's Workforce Cabinet should consider the feasibility of*

utilizing the Department of Education's three-year grant funding to track the path of secondary school students, including participation in Adult Education programs, enrollment in postsecondary education and training programs, through completion of a postsecondary education degree and certificate program, and into employment in a new or better job. The Governor's Workforce Cabinet should also design a measurement and accountability system to increase and to track Maine's progress in increasing the number of low-wage, low-skilled adults who attain postsecondary education built upon the existing data collection and management capacity of state agencies and postsecondary education systems and should report on its proposed system to the Education Committee and Labor Committee by July 1, 2008. The Governor's Workforce Cabinet should include in its report its recommendation for an appropriate oversight body to keep track of students and their success. (See also Recommendation #12.)

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**Recommendation #15.** Policymakers should seek to coordinate the design and implementation of a public awareness campaign to inform low-skilled, low-wage adults about the package of postsecondary education and workforce development resources available to meet their education and training needs. (See also Recommendation #22.)

**STRATEGY #5: PROVIDE RESOURCES TO MEET THE NEEDS  
OF LOW-INCOME, ADULT STUDENTS**

**The Need for Additional Resources for Student Advising and Counseling to Help Students  
Navigate Past the Academic, Social and Economic Barriers that Affect Attendance**

Discussion

Julie Strawn, Senior Policy Analyst for the Center for Law and Social Policy (CLASP), presented the Commission with a number of contextual factors that frame the need for providing additional resources to meet the needs of low-income, adult students.

*There is a widespread problem of low wage work:*

- Nearly one in four Maine workers (22%) earns below poverty-level wages;
- A higher percentage of Maine workers (7.9%) hold more than one job than in most other states – the 12th highest rate in the U.S; and
- Higher rates of citizens are poor or near poor in Maine than in other New England states, and Maine has the lowest median household income in New England.

*Education and earnings increasingly are linked:*

- Earnings rise and unemployment falls at each higher level of educational attainment; and
- Postsecondary education or training is not a panacea to problem of low wage work, but in a good labor market the right kind of credential can be a ticket out of poverty.

State of Maine  
DEPARTMENT OF EDUCATION

Testimony of Susan Gendron, Commissioner of the Department of Education

In Support Of: L.D. 1356

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

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Senator Mills

Cosponsored by: Senators Bartlett, Jackson, Rector, and Weston, President Mitchell, and Representatives Crockett, Lovejoy, Miller, Piotti, Stuckey, and Sutherland

Date: May 6, 2009

Senator Alford, Representative Sutherland, and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Susan Gendron, Commissioner, and I am representing the Department of Education speaking in support of L.D. 1356 An Act to Improve the Ability of the Department of Education to Conduct Longitudinal Data Studies.

The intent of L.D. 1356 is to improve the ability of the Department of Education to conduct longitudinal data studies by permitting the use of social security numbers for the tracking of individual student enrollment history and achievement data over time.

While the Department of Education understands the concerns about the confidentiality of the social security number, it does serve as an important link in State agency data sharing. The University of Maine System, Community Colleges and Department of Labor each maintain their own separate data systems and, unlike the Department of Education, all store the social security number in their databases. The social security number is not meant to be used as a student's unique identifier, but would only be used as a common link between secondary, postsecondary and labor data. These data are essential for evaluating the effectiveness of education programs and curriculum in impacting postsecondary and labor market outcomes.

In addition LD 1356 will support the following initiatives:

- *American Recovery and Reinvestment Act (ARRA)* areas of reform - "Gathering information to improve student learning, teacher performance, and college and career-readiness through enhanced data systems that track progress" and accounts for over \$294 million in PreK-20 federal funds.

- Initiatives which may require the Department of Education to integrate an educational attainment database that permits integration with labor market data systems.

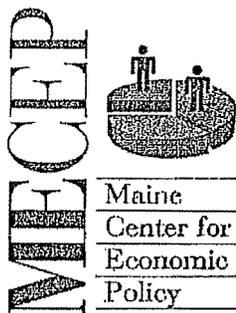
Creating a fully integrated longitudinal PreK-20 database is a goal of the Department of Education. The Department is currently midway through a three-year \$3.25 million federally funded project to create a K-12 longitudinal data system (LDS). Additional funding will be made available through a competitive ARRA longitudinal data system grant. The initial Statewide Longitudinal Data Systems program provided grants to State Education Agencies to enable them to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate and use individual student data. As provided for under ARRA, funding available under the new competition is to be used for statewide data systems that, in addition to K-12 data, also include postsecondary and workforce information. L.D. 1356 will position Maine well to receive millions of dollars of additional grant funding by demonstrating the State's commitment to sharing of student data with postsecondary and workforce systems and facilitating that process.

The longitudinal data system complies with the State Office of Information Technology security policies and is prohibited from releasing any individually identifiable student data protected by the Family Educational Rights and Privacy Act (FERPA).

The bill also has language for the parent to opt out of the collection of data for the parent's child.

For these reasons, the Department supports L.D. 1356 An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies. I would be happy to answer any questions the Committee may have, and I will be available for work sessions on this bill.

May 6, 2009



## Testimony in support of LD 1356, "An Act To Improve the Ability of the Department of Education To Conduct Longitudinal State Studies"

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Senator Alfond, Representative Sutherland, members of the Education and Cultural Affairs Committee: My name is Kurt Wise and I am the fiscal policy analyst with the Maine Center for Economic Policy. I am here today to testify in strong support of LD 1356. If Maine is to make the best use of the billions of dollars we spend annually on education and job training here in the state, it is essential that lawmakers, agency heads, and school administrators have access to complete, high quality longitudinal data. The bill before you provides for the creation of such a longitudinal data system. It also allows for use of the essential tool needed to tie the many disparate pieces of individual data together into an meaningful whole: individuals' social security numbers. At the same time, this bill also makes explicit the requirement to maintain these individuals' privacy. Despite legitimate concerns, the issue of individual privacy can be fully addressed, allowing Maine to reap the enormous benefits a statewide longitudinal data system would provide.

Currently, Maine spends some \$3.7 billion annually on K-12 and college level education, as well as millions more on workforce training and adult education programs. And yet we have no centralized system for tracking the progress that students make through our educational and workforce training systems, nor the ability to understand how their educational pathway affects their future occupational opportunities, consistency of employment, or earnings.

Each siloed entity – the K-12 system, community colleges, the university system, the Department of Labor – collects a variety of data on the students or workers within their system. Under federal guidelines, many collect or use social security numbers to track this data. But these siloed entities generally do not and are not *able* to share this information. Because the information that is available is not collected in a uniform fashion, is not shared among agencies and educational systems, and is not maintained through time ("longitudinally") at the individual level, decision makers are left in the dark. They are allocating billions of dollars based on anecdotes, best guesses, hopes and hunches.

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Students and workers, meanwhile, are investing their own time and money in programs and courses of study that may or may not provide the best outcomes in terms of degrees, employment and earnings. I say “may or may not provide the best outcomes” because at present nobody knows and there is no system in Maine that makes it *possible* to know. LD 1356 would change that. In time, we would go from a hodge podge of incomplete, unaligned, and institutionally fragmented datasets, to a unified system. Such a system – often referred to as a “uniform data collection and benchmarking system” or “UDCB system” - would allow Mainers to reap the full rewards from all of their educational and workforce training efforts.

Opponents raise real and understandable concerns about individual privacy, particularly with regard to the use of social security numbers proposed in this bill. These legitimate privacy concerns, however, can be addressed fully using existing federal law, administrative security protocols, and advanced computer security systems. State agencies and state and local educational systems already collect and use social security numbers. The use and transmission of this data and other personally identifiable information is already governed both by internal regulations and federal law. Other states now use social security numbers for their UDCB systems and have done so for years without any inappropriate releases to unauthorized parties. Allowing the use proposed under LD 1356 does not create a new intrusion into the privacy of individuals. It merely allows information to be integrated and thereby become vastly more useful.

It is worth taking a moment to note that while the value of a UCDB system depends on the fine-grained analysis of individual level data through time, the resulting analyses are interested only in *aggregate* level numbers. Tracking individual students is not the point of a UCDB system. It is simply a prerequisite to providing useful analytic output. Nevertheless, we appreciate and respect the concern raised by some regarding privacy issues. We would be very happy to work with any all parties interested in identifying workable solutions for these concerns.

I would like to underscore, however, that allowing use of social security numbers is an important part of this bill. In order for a UCDB system to work, some form of “unique student identifier” is required. While it is theoretically possible to create a “work around”, this will be expensive, time-consuming, less comprehensive and far less effective than use of SSNs. It makes much more sense to develop security procedures and protocols, along with the necessary computer hardware and software systems, to ensure that full control over the data is maintained. Other states have done it; Maine can too.

Finally, I will direct your attention to a paper that my organization released in February. I believe this paper will help the members of this committee understand more of the details involved in this somewhat arcane but very important area of public policy. In closing, I urge the members of this committee to give LD 1356 your full support. Thank You.

Sincerely,

Kurt Wise  
Fiscal Policy Analyst  
Maine Center for Economic Policy



Maine Women's Lobby

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Testimony in support:

*L.D.1356 An Act To Improve the Ability of the Department of Education To Conduct  
Longitudinal Data Studies*

Joint Standing Committee on Education and Cultural Affairs

May 6, 2009

Senator Alford, Representative Sutherland, and members of the Joint Standing Committee on Education and Cultural Affairs, my name is Laura Harper and I represent the Maine Women's Lobby, an organization working for 31 years to improve the well being of Maine women and girls through public policy and leadership development. We are a non-profit, non-partisan membership organization, and our mission is to increase social, economic, and political opportunities for women and girls. Economic security is fundamental to the health and well-being of Maine women. With this in mind, I testify this afternoon in strong support for L.D. 1356.

This bill isn't really exciting; it's not sexy, nor controversial. Some may even wonder how it specifically affects women. Let me first say that this bill is of the utmost importance to women, who make up the majority of low-wage, low-skill incumbent workers. Women are more likely to live in poverty than men. Women are more likely to be single-parents than men and therefore have the increased economic pressures of raising a family while working full-time. Add to this the persistent wage gap (Maine women still only make 76 cents to the man's dollar) and the resulting loss of thousands of dollars in wages over a lifetime of employment, and it becomes clear why women are at the center of the discussion for increasing access to postsecondary education. Increasing access to education for women in the workforce now, means increasing their credentials and wages for the future. Simply put: education is the pathway to personal prosperity.

Others have already explained in detail the mechanics of this bill. What I hope to offer is our view on how this particular bill will improve the lives of Maine women and girls.

Sarah Standiford, Executive Director of the Maine Women's Lobby, served on the Commission to Develop Strategies to Increase Postsecondary Access, Retention and Completion for Low-wage, Low-skill Adults in 2007. As you've already heard, the work of this Commission culminated in a unanimous report with consensus that the State reprioritize access to higher education for underemployed adults in low-paying jobs and provided several recommendations for doing so. The recommendation regarding data reporting was perhaps the most important for two reasons. First: in order to know where are going, we must know where we are. It is critically important that the State assess its progress in helping low-wage, working adults gain access to postsecondary education. Without uniform data collection we cannot know at which points we

- over -

might be losing students, and therefore what interventions are necessary. Secondly, once we know where we are, we can set benchmarks for the future, and begin to prioritize program and incentivize strategies which will help low-income adult workers succeed in their pathway to education.

Although these strategies are critical to helping women and the families they support, they also offer a critical approach for solving Maine's workforce and economic development needs.

Economic and workforce development professionals in Maine continue to report that the lack of a skilled workforce is one of the greatest impediments to future economic development. In fact, Maine business leaders regularly express the urgent need for a trained workforce. Similarly, hard-working Maine women and men are desperately looking for enhanced job opportunities. Although it is clear that postsecondary education and specialized skills training are necessary to compete in the changing job market, many of these opportunities are unreachable for those who would benefit most. But, we believe that Maine is on the right track. In order to affirm our direction and to set strategies for the future, we must collect the data.

Please pass this legislation in order to enable a coordinated and cohesive strategy for student success.

Thank you for your time this afternoon and I'm happy to answer any questions.



MAINE CIVIL LIBERTIES UNION

TESTIMONY OF ZACHARY L. HEIDEN, ESQ.

LD 1356 – Ought Not to Pass

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

Submitted to the

Joint Standing Committee On Education

May 6, 2009

Senator Alfond, Representative Sutherland and members of the Joint Standing Committee on Education, my name is Zachary Heiden and I am the Legal Director of the Maine Civil Liberties Union, a state-wide organization committed to advancing and preserving civil liberties in Maine through advocacy, education, and litigation. On behalf of our over 3,300 members, I am here before you today to express our opposition to LD 1356, An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies.

All Mainers, and none more than the members of this committee, want to provide the best education possible for Maine students. This bill has an admirable purpose: facilitating the evaluation and improvement of education programs in the State of Maine. Accountability is a substantial part of that.

Unfortunately, this bill seeks to accomplish that goal by turning Maine students into subjects in a science experiment without their permission, and by exposing them to threats to their privacy and risk of identity theft.

Section E of this bill includes the requirement that parents be notified annually that they have the right to opt out of the collection of data. This is not fair to students, and it is inconstant with our traditions of privacy. We do not presume that we are allowed to look into people's private lives—and social security numbers are the keys that unlock many of the most significant details in our private lives—unless they tell us to keep out. We presume that people want to be left alone unless they give us explicit permission to pry into the details of their lives. Justice Louis Brandeis wrote almost a century ago that the right to be left alone is the right most prized by a free people. This bill opens the door to intrusions into that right, beginning before people have the legal and emotional capacity to give consent to such intrusions.

At a minimum, this bill ought to be amended to require affirmative permission—an opt-in, rather than opt-out—before students are made the subjects of a study. The Social Security

Administration itself advises careful consideration before sharing a social security number, and students and parents should be given an opportunity to apply that careful consideration.<sup>1</sup>

It is a principle of scientific ethics that the subjects of studies are fully informed about the risks of participating in a study and are then given an opportunity to decide whether to participate. This bill contains no requirement that the subjects of this study—presumably every student in Maine public school—or their parents be advised of any of the risks associated with expanded use of social security numbers, but it ought to. Perhaps the Department believes that there are no risks, and that they have designed the world's first completely secure database system. For the sake of Maine's present and future students, hopefully they are right.

Once the Social Security number was used for social security accounts, tax collection, and benefit payments. Today, chances are you have been asked for your Social Security number if you opened a bank account, signed up for a credit card, joined a gym, opened a rental account at a video store, or any number of other transactions. And your Social Security number links all of these entities back to you, providing access to all sorts of personal information, such as your address, your financial history, medical history, shopping habits, household income, use of prescription drugs, just to name a few. You would not want to have only one key that opened your house, your office, your safe deposit box, and your car, because if someone with bad intentions got a hold of that key, they would have access to everything. Social Security numbers are that key for your personal information, and this bill will give many more people access to those numbers.

This bill calls for the creation of a massive government database populated with data from all aspects of our lives, and the government urges that this database will only be used to help and not to hinder. This promise has been accepted by many of the legislators, public policy advocates, and organizations I most admire. It cannot be accepted by me. On behalf of the Maine Civil Liberties Union, I urge you to vote "Ought Not To Pass" on LD 1356.

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<sup>1</sup> "You should be careful about sharing your number, even when you are asked for it. You should ask why your number is needed, how it will be used and what will happen if you refuse. The answers to these questions can help you decide if you want to give out your Social Security number." *Identity Theft And Your Social Security Number*, SSA Publication No. 05-10064, October 2007, ICN 463270. (last accessed on May 5, 2009, at <http://www.ssa.gov/pubs/10064.html>).



**Statement of the Maine Children's Alliance on  
LD 1356 "An Act To Improve the Ability of the Department  
of Education To Conduct Longitudinal Data Studies"**

Sen. Alfond, Rep. Sutherland, Honorable Members of the Joint Select Committee on Education. My name is Dean Crocker and I represent the Maine Children's Alliance.

We are pleased to offer our strong support for LD 1356 "An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies." The Maine Children's Alliance has been working with the Department of Education and other child serving agencies of state government to provide policy makers with information about the mental health of our state's children and youth.

As the Ombudsman for Children's Services I have been very concerned about the youth in our child welfare and juvenile justice systems. The Administration, and in particular, the First Lady, Karen Baldacci have responded to my concerns. Last year you implemented a key recommendation to assure that youth in transition get educational credit as they move within our children's systems.

This was a wonderful first step, but much remains to be done. Interdepartmental efforts to improve outcomes for youth have been hampered by inadequate data. WE have been working with DOE and the child serving agencies to improve the data Maine needs to improve the way we support youth in transition.

A critical step in the development of necessary data is the ability to track long-term outcomes for children and youth in our education system. This information coupled with services data from other child serving agencies will help us understand what must happen in order for these youth to be successful in school and as they become young adults.

WE ask that you give LD 1356 your unanimous support and make it possible for Maine to have the information it needs to help these children succeed.



Phillip A. Dionne  
Chair

MAINE JOBS COUNCIL  
45 COMMERCE DRIVE  
AUGUSTA, MAINE 04330

Garret J. Oswald  
Director

**In Support of:**

**L.D. 1356 "An Act to Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies"**

**Joint Standing Committee of Education and Cultural Affairs**

**Sponsored by: Senator Mills**

**Co-sponsored by Senators Weston, Rector, Jackson, Bartlett and Representatives Sutherland, Crockett, Lovejoy, Miller, Piotti and Stuckey**

Senator Alfond, Representative Sutherland and members of the Committee on Education and Cultural Affairs. My name is Garret Oswald and I am the Director of the Maine Jobs Council which serves as the State Workforce Investment Board. I am here to speak in favor of L.D. 1356, "An Act to Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies."

Driven by a rapidly changing, highly competitive economy, many states have taken on the challenge of aligning measures and integrating performance data across education and workforce training programs. Thanks to the Department of Education, and LD 1356, Maine has the opportunity to strengthen the quality of information available to decision makers concerning education and training programs that are so important to Maine's employers and workforce.

Strategic Plans and program assessments both depend on access to accurate, real time data. Because each program and funding stream comes with its own set of performance measures, it is difficult for policy makers to determine the benefits and contributions of individual programs to statewide economic competitiveness.

LD 1356 and the resulting capacity to conduct Longitudinal Data Studies will link the educational experiences of students with employment outcomes and provide Maine with better information to base policy and program decisions on, in a time when resources are limited and must be wisely spent.

Certainly privacy is a primary concern and by closely following the Family Education Rights Protection Act and other security procedures confidentiality can be maintained, while still providing valuable information.

The Maine Jobs Council supports Improving the ability of the Department of Education to Conduct Longitudinal Data Studies. We hope you will support LD 1356 too.



**MAINE CHILDREN'S  
GROWTH COUNCIL**

*The Voice for Early Childhood*

*First Lady Karen Baldacci, Chair  
Superintendent William P. Braun, Chair*

*Alan Cobo-Lewis, University of Maine  
Brenda Harvey, Maine Dept of Health & Human Services  
Dano Connors, State Chamber of Commerce  
Ellie Goldberg, Maine Children's Alliance  
Eloise Vitelli, Women Work & Community  
Heldi Hort, Richardson, Whltman, Large & Badger  
Jan Clarkin, Maine Children's Trust  
Jane Adams, Maine Head Start Association  
Jane Well, Maine Association for Infant Mental Health  
Jessica Maurer, Maine Attorney General's Office  
Jim Clair, Goold Health Systems  
Joseph Perry, Senator, Maine Legislature  
Karen Heck, The Blingham Program  
Lori Freid-Moses, Child Care Advisory Council  
Meredith Strang-Burgess, Representative, Maine  
Legislature  
Penni Therlault, MSEA-SEIU Kids First  
Peter Lindsay, Success by 6, United Way  
Peter Mills, Senator, Maine Legislature  
Richard Pattenau, Chancellor, University of Maine  
Seth Berry, Representative, Maine Legislature  
Steve Meister, Maine Maternal and Child Health  
Susan Gendron, Maine Dept of Education  
Terri Petnov, Southern Maine Community College  
Todd Brackett, Sheriff, Lincoln County*

*Donna Overcash, Consultant/Staff  
Sheryl Peavey, Staff*

Maine Children's Growth Council  
Maine Early Childhood Initiative, DHHS  
State House Station #11  
2 Anthony Avenue  
Augusta, ME 04333-0011  
www.maine-eccs.org

**Position Statement of the Maine Children's Growth  
Council to the Joint Standing Committee on Education  
and Cultural Affairs**

**May 6, 2009**

**For LD 1356, An Act To Improve the Ability of the  
Department of Education to Conduct Longitudinal Data  
Studies**

To Senator Alfond, Representative Sutherland, and members  
of the Joint Standing Committee on Education and Cultural  
Affairs,

The Maine Children's Growth Council was created to achieve  
sustainable social and financial investment in the healthy  
development of Maine's young children and their families.  
The Council reviews and addresses recommendations of  
legislative studies, advisory committees and the Children's  
Cabinet and is responsible for implementing the long-term  
plan for a unified, statewide early childhood services system,  
*Invest Early in Maine.*

In that capacity as a Council, we are extending support in  
favor of LD 1356, LD 1356, An Act to Improve the Ability of  
the Department of Education to Conduct Longitudinal Data  
Studies.

Following a consensus vote at our April 13 meeting, we, the  
members of the Children's Growth Council strongly encourage  
you to be bold and embrace data-driven public policy for our  
young children and their families. We endorse the concept of  
strong longitudinal data linked across agencies as a means to  
determine how our early childhood systems change efforts are  
improving child outcomes. We recommend the facilitation of a  
hearty collaboration with the higher education system, particularly  
the Maine Educational Policy Research Institute (MEPRI), as a  
critical component of early childhood systems change. Finally, we  
recommend to this Committee that language be adopted that  
facilitates, not hinders, cross-agency data linkage. Your leadership  
today can finally put in motion the sound recommendations put  
forth by the Subcommittee to Study Early Childhood Special  
Education during the 123<sup>rd</sup> Legislature.

Sincerely,

Karen Baldacci, First Lady of Maine, Council Co-Chair  
Bill Braun, Newport Superintendent of Schools, Council Co-Chair  
and the Members of the Children's Growth Council

Testimony by Shihfen Tu <shihfen.tu@umit.maine.edu>  
to  
Joint Standing Committee on Education and Cultural Affairs  
May 6, 2009

**NEITHER FOR NOR AGAINST LD 1356**

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

Sponsored by Sen Peter Mills

Co-sponsored by Sen Bartlett, Rep Crockett, Sen Jackson, Rep Lovejoy, Rep Miller, President  
Mitchell, Rep Piotti, Sen Rector, Rep Stuckey, Rep Sutherland, and Sen Weston

Chairman Alford, Chairwoman Sutherland, and Distinguished Members of the Joint Standing  
Committee on Education and Cultural Affairs:

My name is Shihfen Tu. I am from Hampden and am an Associate Professor of Education and  
Applied Quantitative Methods at the University of Maine. I am testifying today on behalf of  
myself and Dr. Craig Mason <craig.mason@umit.maine.edu>, who wrote the MEPRI report to  
the committee that has been referenced in other testimony.

**Background Information**

As background, we lead a research team at the University of Maine that works in the areas of  
developmental epidemiology and public health informatics. We created and maintain the data  
system for Maine's Newborn Hearing Screening and Birth Defects programs, and have  
developed similar systems for Guam and Saipan. In addition, we have a long-term collaboration  
with Florida and are currently involved in data linkage projects with the Virginia Department of  
Health. We are also starting a new collaboration with Texas and have provided consultation to  
numerous other states regarding data linkage and population-based data system design and  
development. I am here today to speak about the potential importance and value of the  
longitudinal work that is at the heart of LD 1356, while also offering a few observations about  
this specific legislation for the committee to consider.

**Benefits of Linked, Longitudinal Data**

The people of Maine and the public officials representing them have many questions regarding  
our children's health and development. For example, we are probably all concerned with  
identifying what may be behind increases in the rate of autism. It's widely recognized at the  
national level, that this can not be answered without the type of system that is the intended goal  
of LD1356. Without such capacity, answers to such questions are not possible.

These are not just abstract, intellectual exercises. For example, in one project with colleagues in  
Florida, we were able to show how maternal smoking during pregnancy was related to future

elevated rates of special education services. Policy makers within the Florida Department of Education were interested in using this information to secure additional tobacco settlement money for services for these children. In a separate project, we worked with the Miami-Dade Public Defender's office linking education data with juvenile case records. Specifically, we helped identify how children in special education in elementary school were at increased risk of entering the juvenile justice system in high school. They sought this information as a means to help obtain federal grant dollars for prevention services. Closer to home, we have recently joined the *Sensory Low Incidence Workgroup*, hosted by the Department of Education. One of the goals is to understand why there are discrepancies across agencies in estimates of the number of children with both hearing and vision loss. Projects such as these require the type of system that is intended with LD1356, along with the ability to link education records with other health and service datasets.

### **Potential Issues with Current Version of Bill**

***Reporting of Data only in Aggregate.*** Based on these experiences and other similar projects, we believe that Maine would benefit from the type of activities intended by LD1356. However, there are a few potential issues with the specific wording of the bill that might unintentionally prove problematic in achieving these goals. First, Section D suggests that even when it is in compliance with FERPA, "student information may be released only in aggregate" and "individually identifiable student data may not be released". Such restrictions would have made the previously described projects extremely difficult, if not impossible, to conduct. They would effectively prevent the Department of Education from truly collaborating with other agencies.

***Apparent Reliance on Social Security Numbers for Linkage.*** Second, experience has taught us that while such work ultimately helps children, many parents have legitimate and serious concerns regarding protection of information, particularly the use of social security numbers. Pragmatically, while the use of social security number can make it easier to link records, there are issues that can make reliance on social security numbers problematic. For example, undocumented immigrant youth may have no social security number. This will result in systematic bias when linking records. In addition, we have seen in other states that parents may not accurately report a child's social security number. This can also lead to missed matches when linking to other data.

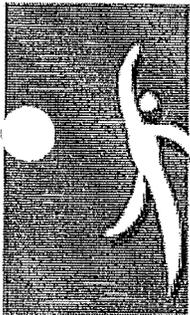
Furthermore, many potential partners do not collect social security number. Therefore, reliance on social security number for linkage can limit opportunities for valuable collaboration. For example, Federal funding agencies are interested in long-term follow-up of children identified through newborn screening. However, those data systems do not collect social security number. This may result in lost opportunities for bringing Federal dollars into Maine to help fund such programs. Other programs serving children are undoubtedly in a similar situation.

***Need for Supporting other Linkage Strategies.*** To achieve its full potential, the system intended by LD1356 will need the capacity to link records based on strategies beyond just relying on social security numbers. This may include social security number as one possible tool for linking records, but would also need to link records based on other information. This should include the capacity to link records even when some information across systems does not match,

for example due to variations in the spelling of names, data entry errors, or simply missing information. This involves more complex record matching techniques, such as a process referred to as probabilistic matching, in which you estimate the likelihood that two records belong to the same person even if they don't exactly match.

In addition, there are potentially valuable collaborations between the Department of Education and other agencies in which either or both parties may not be allowed to release any identifying information to the other. Without supporting the capacity for more complex linkage, such collaborations would not be attainable. This may make it impossible to answer many questions that are important to families and policy makers. For example, as previously noted, a key goal of the Sensory Low Incidence Workgroup is to understand why there are discrepancies across agencies in estimates of the number of children with both hearing and vision loss. Such discrepancies raise questions about whether all families are being served, and whether services are in fact being efficiently delivered. In our last meeting, representatives from the Deaf-Blind project, which serves many of these families throughout Maine, commented that they would like to link their records with Special Education data in order to determine how many of their children are either not being properly identified or are in fact identified, but appear in other special education categories. Such a linkage would help to answer this important question; however, they can not simply release names or other identifiers to DOE for DOE to then link and report the results back to them. Fortunately, there are strategies for linking records, such as blindfolded linkage or double encryption that allow both parties to encrypt information in a way that neither party sees the names or other identifying information of the individuals in the other's records. Some of these techniques are described in the previously noted MEPRI report authored by Dr. Mason (<http://www2.umaine.edu/mepri/sites/default/files/linkageofearlychildhoodrpt.pdf>). We would be happy to discuss their use or any other data-related issues with the Committee, Department, or other interested parties.

Thank you for this opportunity to testify. I would be happy to answer any questions that the Committee may have.



# Maine Developmental Disabilities Council

## TESTIMONY NEITHER FOR OR AGAINST LD 1356, AN ACT TO IMPROVE THE ABILITY OF THE DEPARTMENT OF EDUCATION TO CONDUCT LONGITUDINAL STUDIES

Education and Cultural Affairs Committee, May 5, 2009

Good afternoon, Senator Alford, Representative Sutherland, and members of the Committee. My name is Julia Bell and I am the executive director of the Maine Developmental Disabilities Council. I am here today to provide comments on LD 1356, an act that would direct the Department of Education to develop and maintain a statewide longitudinal data system.

The DD Council is a federally-funded, independent organization with members from across the state, including persons with disabilities, family members, and representatives of public and private agencies which provide services and/or funding for services for individuals with developmental disabilities. As required in federal law<sup>1</sup>, we are involved in advocacy, capacity building and systemic change activities, with the goal that individuals with developmental and other disabilities of all ages are fully included, integrated and involved in their communities and the decisions impacting them.

The DD Council supports the development of a comprehensive longitudinal data system, with collaboration among state agencies, such as the Departments of Education (DOE), Higher Education, Labor (DOL), Corrections and Health and Human Services (DHHS), to enable better analysis of outcomes, unmet and potential needs for services and supports, and areas of interface among programs that suggest opportunities for collaboration to address individual needs in a comprehensive, integrated manner. We see the need for this type of data system often in a variety

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<sup>1</sup> The Council's work is governed by the federal Developmental Disabilities Assistance and Bill of Rights Act, which defines a "developmental disability" as a severe chronic disability of an individual that is attributable to a mental or physical impairment or combination of mental and physical impairments, manifested before the individual attains age 22 and likely to continue indefinitely, which results in substantial functional limitations in 3 or more of the following areas of major life activity: self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living and economic self-sufficiency.

of different projects with state agencies as well as through our annual collection of data from state agencies to meet federal reporting requirements.

According to this legislation, the Maine Statewide Longitudinal Data System is intended to provide information regarding the educational histories, placement, employment and other measures of success of participants in state educational programs. This legislation does not mention the need for interface between DOE and DHHS data systems. There are statutory requirements for DOE and DHHS to collaborate on an ongoing basis to assure that the needs of individuals of all ages who have developmental disabilities are identified and incorporated in budgetary and programmatic planning efforts. These requirements are included in both Title 22-A and Title 34-B, and include provision of information to the Legislature on a scheduled basis as well. Data linkages would support this work being accomplished in a cost-effective manner, while providing reliable information to use for planning purposes.

This legislation would authorize DOE to direct that school administrative units collect social security numbers for all students to be used as a unique identifier for the DOE's data system, but this would not address the need for inter-agency cross-walking of data. Students in public schools are currently each assigned a permanent unique identifier associated with the current Maine Education Data Management System (MEDMS). However, this identifier is only used in the education system, so it does not allow interface with other agencies. We have not seen any indication that there is agreement at this point that social security numbers will be the appropriate identifier to use across data systems, or that other agencies are prepared to make this change.

DOE's use of social security numbers in its data system would not provide a common data element with those currently used in other state agencies. Individuals applying for any type of employment services provided by DOL are asked to provide their social security numbers, but it is optional and DOL staff indicate that many people refuse to do so. The majority of individuals receiving services through DHHS programs are MaineCare eligible, and are each assigned a unique MaineCare identifier. That identifier does not incorporate social security numbers. We did not check with the Department of Corrections to see what identifier is used for individuals in that system, but that should be considered as well.

We are also concerned that educational records contain information about a student's disability which that individual may not choose to provide to higher education institutions or in seeking employment services. Any system that is developed to allow interface of DOE data with other state

agencies and institutions of higher education must be constructed in a way that prevents the disclosure of any information that would violate the rights of individuals to determine when and if that information will be made available.

We strongly support the need for well-constructed data systems that allow for intra-agency and inter-agency planning and evaluation. We appreciate your consideration of our concerns about issues that should be addressed in accomplishing that goal.

Thank you for the opportunity to provide this testimony.

Julia J. Bell  
Executive Director



# MAINE SCHOOL MANAGEMENT ASSOCIATION

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Website: www.msmaweb.com

## TESTIMONY IN OPPOSITION TO

LD #1356

### “AN ACT TO IMPROVE THE ABILITY OF THE DEPARTMENT OF EDUCATION TO CONDUCT LONGITUDINAL DATA STUDIES”

Senator Alford, Representative Sutherland and members of the Education and Cultural Affairs Committee. I am Sandra MacArthur, deputy executive director of the Maine School Management Association. I am here to testify on behalf of the legislative committees of the Maine School Superintendents Association and Maine School Boards Association in opposition to LD #1356.

Our associations oppose this legislation because it would require school districts to identify students by their Social Security numbers and raises the same kind of privacy concerns we had with the filing of Incidence of Prohibited Behavior reports using student names.

In some ways, the Social Security number is an even more invasive way of tracking a student, because it would provide a key to other private information if it somehow fell into the wrong hands because of a breach of computer security.

The proposed legislation allows an opt-out provision for parents. That is an acknowledgment there could be parental concerns about a child being tracked well beyond their K-12 education, and into their post-secondary and work life, using their Social Security number. Opt-out provisions can get lost in the paperwork, however, and not accomplish their objectives.

We understand the value of being able to see whether our public school students have had success when they leave our care, but using this unique identifier to do that is not acceptable, particularly given the regularity with which even the most supposedly secure computer systems are breached.

May 6, 2009

LD 1356 - An Act To Improve ... Longitudinal Data Studies

Sen. Alfond, Rep. Sutherland, members of the Education and Cultural Affairs Committee,

I write in strong opposition to LD 1356.

I know about databases and electronic surveillance. It used to be how I paid the rent.

Others will make various technical objections, perhaps enumerating that quaint document, the Bill of Rights. Or maybe they will bring up the fundamental - and equally obsolete - concept of political liberalism. <sup>1</sup> I'll be blunter: "Longitudinal Data Studies" is nothing but a euphemism for lifetime tracking and surveillance. The Alpha, Beta, Gamma and Delta classes of Huxley's "Brave New World". The bar codes of the Nazis. The Mark of the Beast.

I don't make much money. I'm a half farmer and half writer graduated first in my class from one of the best high schools in New England and then went on to MIT. Nowadays I make less than \$20 thousand a year. Nowadays I make as little as possible because the more I make the more I destroy this planet and its web of life.

What standards will apply? What actions will result? What color shirt will issue to those like me? What kind of drugs and when will I lose my kids? Surely my results suck.

This bill alleges "Information pertaining to individual students must be managed in compliance... identifiable student data may not be released."

Identifiable student data *will* be released, though "shared" is probably the term you would use. Shared with the feds, shared with law enforcement, shared with ICE, shared with financial institutions, shared with every corporation charged with enforcing the budding checkpoint society we build.

Sharing is good, we teach our children, but I'd prefer the State keep its fingers out of my underpants. Items A, B, C and REAL ID? Do we think that if we build this it will be used only for long term educational studies? Maine will not defend the privacy of its people. <sup>2</sup>

I understand the expressed need for this legislation, because big picture, we humans have filled the planet. Big picture, the fossil energy on which we depend for our way of life has not only peaked but begun to decline at a rate of 8 or 9% a year. Other resources - which we can extract only because that fossil energy is cheap - will soon become difficult to obtain. We've ground up our trees and fishes, melted the ice caps and acidified the oceans.

Big picture, the systemic response from the established hierarchy - Education in this case - is to increase complexity so the system can be maintained. Consider how modern fighter jets are unstable - for performance. They will crash instantly should their onboard computers fail. Likewise our economy - for performance - is unstable. Just so the authorities want

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<sup>1</sup>Political liberalism is based in part on the concept of a "free market" - an economic sphere distinct from the political - within which dissenters can survive. Lifetime tracking makes that impossible; lifetime tracking turns the economic realm into a checkpoint society.

<sup>2</sup>Been there, been sold: Maine PUC, NSA and VZ. See also REAL ID.

"Longitudinal Tracking" to maintain control and to squeeze every drop of blood from the turnip because they see the declining returns typical of the end of empire. In his book "The Upside of Down," Thomas Homer-Dixon discusses how the Romans tried this with the exhaustive census under Emperor Diocletian [284-305CE]:

Rome's prodigious effort to save itself by putting in place a system to aggressively manage its energy problem was simultaneously one of history's greatest triumphs and tragedies. It was a triumph because, for a while at least, the effort reversed what seemed like the empire's inexorable decline; but it was ultimately a tragedy because it didn't address the empire's underlying problem—complexity too great for a food-based energy system—and was thus bound to fail. [p257]

At the beginning of each financial year on September 1, officials calculated the government's needs for the coming year and divided the total by the number of units of land in the empire. In this way, the tax rate could be adjusted every year according to Rome's needs. Meanwhile, other officials conducted new censuses and resurveyed the countryside to identify and measure every scrap of potentially productive land. "The tax rate was established from a master list of the empire's resources," write Tainter and his colleagues, "broken down province by province, city by city, field by field, household by household, [student by student, keyboard by keyboard]. Never before had the state so thoroughly penetrated its citizens' lives." The historian Chris Wickham concurs: "Taxation dominated the economy and was the economic foundation for the state. Nothing in the late Roman economic system escaped the state's embraces." [p248]

"Longitudinal Data", lifetime tracking, is surveillance. Across the way, Sen Hobbins is crafting legislation to require every ISP to record every connection and every bit of activity online. For law enforcement. <sup>3</sup> Transportation is wrestling with REAL ID.

The proponents of this legislation think they can continue prosperity for their "in group" by increasing control. That will depend, as it did for Huxley and the Nazis, on creating an ever larger "out group". Ultimately, we consign the generations to come to some dim neo-feudal future. Just as happened with Rome.

The world is reaching "a stage of vulnerability that could trigger a rare and major 'pulse' of social transformation," [p254] writes ecologist and systems thinker Fritz Holling. Anyone paying attention to energy, resources and finance knows it. The big picture choice is between increased hierarchy, control and brittleness or decentralization in favor of diversity and resilience.

This legislation Ought NOT To Pass.

Sincerely,

/Christopher F. Miller/

Christopher F. Miller

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<sup>3</sup>That's on reason why I shut down my internet service provider. I won't spy on my clients.

Testimony by Alan Cobo-Lewis <alanc@maine.edu>  
to  
Joint Standing Committee on Education and Cultural Affairs  
May 6, 2009  
**FOR LD 1356**

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

Sponsored by Sen Peter Mills

Co-sponsored by Sen Bartlett, Rep Crockett, Sen Jackson, Rep Lovejoy, Rep Miller, President Mitchell, Rep Piotti, Sen Rector, Rep Stuckey, Rep Sutherland, and Sen Weston

Chairman Alford, Chairwoman Sutherland, and Distinguished Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Alan Cobo-Lewis, and I'm from Orono. I am the parent of a child with a disability and an associate professor of psychology at the University of Maine, and I co-chaired the Subcommittee to Study Early Childhood Special Education which reported to this Committee last term on issues regarding Child Development Services, including some data issues addressed by this bill. I have successfully competed over 12 years for peer reviewed research grants from several federal agencies, including the National Science Foundation and three institutes in the National Institutes of Health, and I am co-investigator on a competitive data capacity grant awarded to a consortium of the Maine Department of Health and Human Services, the Muskie School of Public Service at USM, and the Department of Psychology at UMaine.

**Support Intent of Bill, Request Specific Amendment**

I am supportive of LD 1356's goal of facilitating longitudinal data analysis. This could enable important research in effectiveness of early intervention and quality child care, among many other critical policy questions. However, I am concerned that the bill as written could be interpreted as placing some barriers in the way of interagency data linkage and in the way of research by scientists who have the expertise to properly analyze longitudinal data.

**Subcommittee Recommendations and MEPRI Report**

The Maine Education Policy Research Institute (MEPRI) in the UMaine System is established by statute (20-A MRSA § 10) "to collect and analyze education information and perform targeted education research for the Legislature." Following a consensus motion adopted by the Subcommittee To Study Early Child Special Education and supported by the Department of Education in its testimony on the bill introduced last term by the Subcommittee (LD 1850 in the 123<sup>rd</sup> Legislature), it was required that MEPRI report to this Committee on how to facilitate research projects involving linkage of individual-level health and education data in a way that would be in compliance with federal privacy law and regulation (FERPA and HIPAA Privacy rule).

MEPRI was authorized to seek the advice of the Attorney General's office about what—if any—state law, regulation, or policy would have to be changed to enable or facilitate such studies. A goal of the work was that the Department of Health and Human Services and the Department of Education would work together to determine how data systems can be designed to facilitate analysis of data across departments. MEPRI reported back to this committee in June 2008 about several data linkage issues, including how to use blind double-encrypted data linkage methodology to create cross-agency individual-level (but de-identified) datasets that can address important policy issues. MEPRI's report did not identify any changes to state law, regulation, or policy that would have to be made to enable such data linkage. Please refer to the MEPRI report and the testimony of researchers from the UMaine College of Education and Human Development for a description of the ingenious methodology of blind double-encrypted linkage, which allows cross-agency sharing of individual-level data in a way that preserves confidentiality and complies with both FERPA and the HIPAA Privacy Rule.

### **New FERPA Regulations Still Permit Double Encrypted Linkage**

New federal FERPA regulations have been released in December 2008, but it is not evident that these new FERPA rules would have any significant impact on the viability of the encrypted data linkage methodology described in the MEPRI report.

### **Importance for Research and Policy, Concerns with Language in Bill as Written**

I am supportive of the Department of Education's goal of strengthening a longitudinal data system in education. Individual-level data are critical for a myriad of research and policy questions, and individual-level data are required for growth models as supported by the US Department of Education.

I am concerned, however, about language in LD 1356 that could be interpreted in a way that might prevent existing or potential data-sharing projects with the Department of Health and Human Services and with university researchers such as those found in MEPRI.

The Commissioner of Education has been generous with her attention to the concerns I raise, and we have attempted to come to agreement on language that would address the Department's concerns about FERPA compliance while also clarifying allowable individual-level data sharing across agencies and with university researchers under strict protocols protecting privacy. Unfortunately, we have not yet come to agreement.

### **Maine Children's Growth Council Consensus Motion**

The Maine Children's Growth Council has adopted a consensus motion to:

1. endorse the longitudinal data linkage priorities of LD 1356,
2. recommend that strong collaboration with higher education research be facilitated, and
3. recommend to this Committee that language be adopted that facilitates rather than hinders cross-agency data linkage.

### Specific Recommendations to Amend Bill

From my point of view, two sentences in LD 1356 are of particular concern. At the end of paragraph D, the bill says "Student information may be released only in the aggregate. Individually identifiable student data may not be released."

If student information is released only in the aggregate, then longitudinal studies of cross-agency data could be impossible. This could threaten plans to assess, for example, the impact of quality child care on later educational outcome in Maine. And it could make us less competitive for federal research grants for which we have successfully competed in the past.

If individually identifiable directory information may not be released, then blind double-encrypted data linkage could be impossible. Encrypted data linkage requires release of public directory information that isn't private but is nevertheless individually identifiable data (names) rather than aggregate data.

It appears that one of the issues is that the Department may wish LD 1356 to clarify that there are only limited circumstances under which personally identifiable non-directory information should be released. But blind linkage methodology requires the release of public "directory information". Under FERPA, there is no barrier to such release. Yet LD 1356 could be interpreted to make the release of even public directory information impossible, because it is "individually identifiable student data" and is not aggregated. Having spoken with the Commissioner, I don't think this is the Department's intention. Yet the language in LD 1356 as written remains potentially problematic.

I do appreciate that it may be the opinion of the Department of Education that data linkage could be conducted within the confines of LD 1356, as long as any party touching data is considered a contractor of the Department of Education. (The Department may thus be able, in such an interpretation, to share data without it being considered a "release" of data.) But even this interpretation has disadvantages:

- Cross-agency cooperation is not facilitated by a one-up relationship that privileges DOE and its legitimate FERPA concerns over DHHS and its equally legitimate HIPAA concerns.
- Independent researchers who are not contractors of DOE could be unable to conduct research with de-identified individual-level data that could benefit students and public policy.

If it is the intention of the Department of Education to continue to encourage safe cross-agency data linkage studies with the university, then statutory language should clearly support that. It would not be productive for ambiguities to be enacted into statute.

I suggest that, if the Committee chooses to recommend that LD 1356 ought to pass, it also recommend an amendment along one of two lines:

1. LD 1356 could be amended to alter the two sentences of concern in paragraph D. It is my hope that the Department of Education and researchers at MEPRI could make a consensus recommendation to the Committee on such an amendment by work session. (One suggestion is attached to this testimony, but it would be preferable for the Department and MEPRI to come to consensus on any language.)
2. LD 1356 could be amended to direct the Department of Education and MEPRI to jointly report back to this Committee by January 31, 2010, on what such language should say, and the Committee could be authorized to introduce legislation responding to the recommendations in that report in the second regular session of the 124<sup>th</sup> Legislature.

FERPA is subtle. But the Department and MEPRI are both clever, and I am confident that they can reach agreement on recommended language for this bill. Consistent with the consensus recommendations of the Subcommittee, the consensus recommendation of the Maine Children's Growth Council, and the intention of the Department of Education, please do not adopt LD 1356 hastily without first tweaking its language to ensure that it cannot be interpreted as standing in the way of legitimate and important research with cross-agency de-identified individual-level longitudinal data.

Thank you for this opportunity to testify. I would be happy to answer any questions that the Committee may have.

**Suggested Amendment to LD 1356 paragraph D**

*If this suggested amendment is not acceptable as written, then the Department and MEPRI may be able to adopt a consensus recommendation for the Committee's consideration by work session. Alternatively, LD 1356 could be amended to require DOE and MEPRI to jointly recommend amended language by date certain in the second regular session of the 124<sup>th</sup> Legislature.*

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." Personally identifiable information in an education record that is not directory 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.~~

Testimony of Deborah Gilmer, Director, Center for Self Determination, Health & Policy, Maine Support Network

**In Support of LD 1356: An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies**

Before the Joint Standing Committee on Education and Cultural Affairs,  
202 CSDB

Sponsored by: Senator Peter Mills

Date: May 6, 2009, 1:00 p.m.

Senator Alfond, Representative Sutherland, and Members of the Joint Standing Committee on Education and Cultural Affairs:

*My name is Jenny Hartung and I work at the Maine Support Network. I am here to read Deborah Gilmer's testimony. Debbie Gilmer is the Director of the Center for Self Determination, Health & Policy at the Maine Support Network and Co-Director of the federal Maternal and Child Health Bureau-funded Healthy & Ready to Work (HRTW) National Resource Center. Additionally Ms. Gilmer serves as Co-Director of the Maine State GEAR UP program being administered by the Maine Support Network on behalf of the Maine Department of Education. Debbie is in Washington, DC this week at a grantee meeting otherwise she would be here on her own behalf.*

Honorable Co-Chairs and members of the Joint Standing Committee on Education thank you for this opportunity. I have long yearned for a mechanism to track student outcomes, ALL students, honestly believing that our education, health care and social service systems could be significantly more effective and efficient if we better understood the impact and outcomes of our policies and practices. For example, the US Department of Education has funded two phases of a large scale longitudinal study of youth with disabilities exiting public schools across our country—called the National Longitudinal Transition Study, NLTS and NLTS-2, for short. The lessons learned are many including findings that indicate students that participate in occupationally specific vocational education leading to certificate programs have significantly better outcomes; they are more likely to be working and earning a better wage than their peers who did not have that opportunity. When we know these kinds of things we can change our policies and practices to reflect that which we know as a result of clear and convincing data. Indeed, we can then fund only that which has a positive influence on outcomes and reduce duplication and eliminate ineffective practices.

I have been affiliated with Healthy & Ready to Work for 13 years—first in collaboration with Maine DHHS's Children with Special Health Needs (CSHN)

program and the state demonstration grants funded by the federal MCHB. We are just beginning our fourth year of hosting the HRTW National Resource Center and we are providing technical assistance and training to CSHN programs around the country to enhance and improve the transition of youth with special health care needs. The National Center would be thrilled with Maine's (and any other state's) efforts to track and study student outcomes. The Maternal and Child Health Bureau, under the MCHB Block Grant requires states to report on numerous performance measures including the extent to which:

- Children and youth with special health care needs have access to a medical home;
- Community services are organized in ways that youth and their families can access them readily; and, and
- Youth are supported to transition from school, pediatric care and family home to college and careers, adult health care providers and community living.

The data this proposed study would produce would greatly enhance and inform the work of our partners in public health.

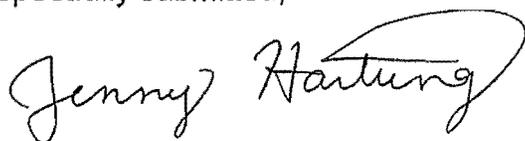
Putting my GEAR UP hat on now for a moment, this bill also has significant and far reaching implications for our work. As many of you may know, GEAR UP is a multi-million dollar, six year grant to the state from the US Department of Education designed to encourage, support and prepare youth from economically disadvantaged backgrounds to go to college. This cohort of youth are the least likely to pursue higher education and those who do are often first generation. We believe that the use of personal learning plans, early financial aid planning and financial literacy programs for families, early college programs and rigorous courses and extended learning opportunities—all components of our GEAR UP program in twenty SAUs in Maine—are making a difference.....but, we really can only make assumptions without clear and convincing data that longitudinal studies can provide.

Please indulge me a moment while I describe why I'm so much in support of this bill and in the incredible outcomes it could reap on behalf of Maine students, employers, institutions of higher education, health and social service providers and policy makers. I began my career as a special educator working with high school youth with severe disabilities. I was proud of the work and community experiences they had under their belt when they left school. Sadly, the vast majority of my former students, twenty five years later or more, remain largely segregated from our communities and live lives characterized by isolation and poverty as participants of day habilitation programs. Longitudinal data studies like the NLTS and NLTS-2 have contributed greatly to our knowledge about practices that are likely to positively influence postschool outcomes. For example, the extent to which students with disabilities are included in the regular classroom, have summer jobs and participate in extracurricular activities are

predictors of postschool success. When we know this, our policies and practices can be changed to reflect that which we know works. While my former students had opportunities rich in community based experiences they had few, if any, opportunity to participate in general education, vocational education and extracurricular activities. I hope practices at our schools have changed in twenty five years in great measure from that which we have learned.

As this bill's summary states, if passed it will require 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. Of course, the data must be collected and used in compliance with the federal Family Educational Rights and Privacy Act of 1974. If encrypted systems such as those already being used in Maine to protect individual identities such as Childlink, newborn screening and birth certificate registry were designed using unique identifiers such as the social security number, just think of the possibilities to track service utilization across departments including rehabilitation, labor, education, social service, and health.

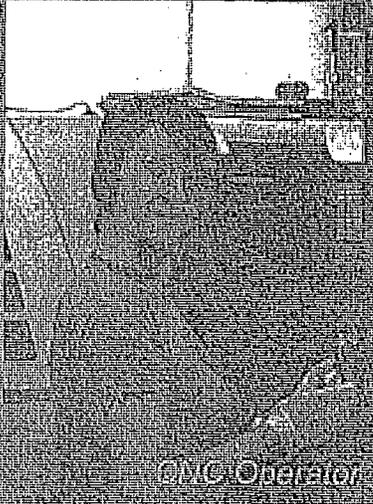
Respectfully submitted,

A handwritten signature in cursive script that reads "Jenny Hartung". The signature is written in black ink and is positioned above the typed name.

Jenny Hartung, on behalf of Deborah Gilmer  
Maine Support Network

# Maine's Workforce Development System

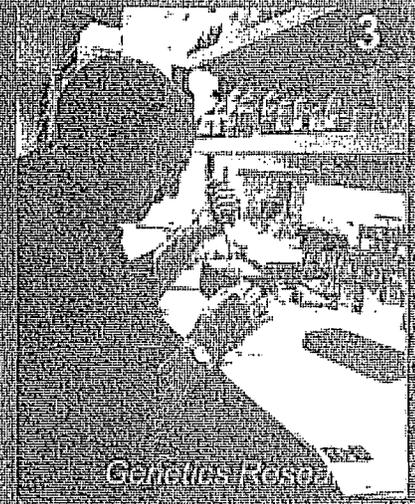
*A Guide to Education and Training Programs*



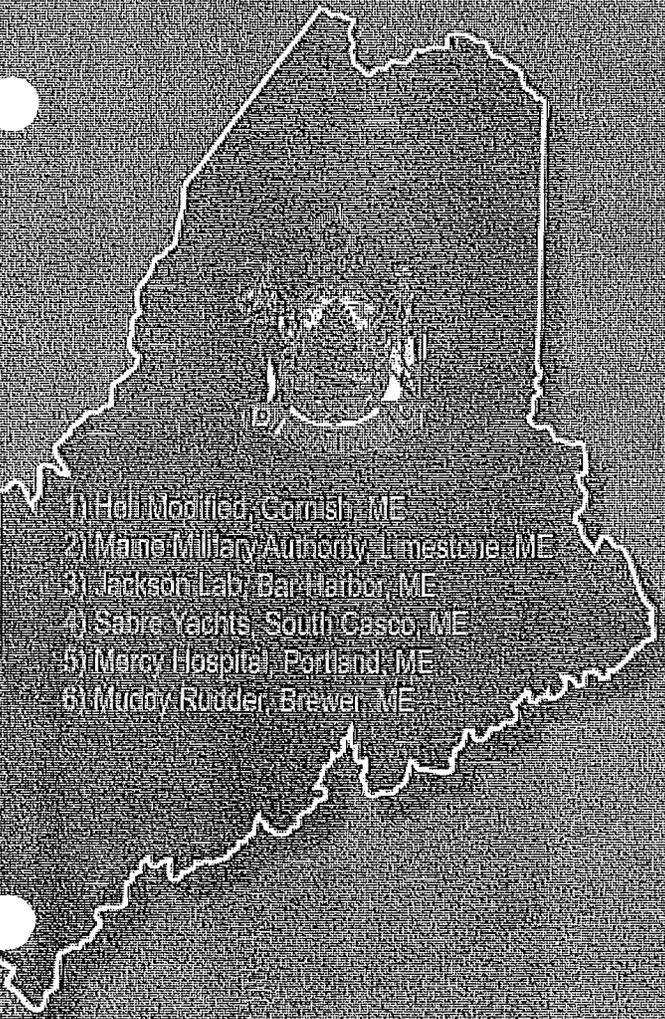
CNC Operator



Military Vehicle Refueler



Genetics Researcher



- 1) Holt Modified, Cornish, ME
- 2) Maine Military Authority, Limestone, ME
- 3) Jackson Lab, Bar Harbor, ME
- 4) Sabre Yachts, South Casco, ME
- 5) Mercy Hospital, Portland, ME
- 6) Muddy Rudder, Brewer, ME



Composite Boat Molder



Registered Nurse



Sautee Chef

# About this Document

The 21st century economy requires workers to make a commitment to lifelong learning - including pursuit of post-secondary education and training - in order to expand their opportunities for meaningful employment. Maine's workforce development system provides resources for learning and skill enhancement for Maine workers and employers.

This document provides a map of Maine's public sector investment in workforce development. It charts the institutions, agencies, programs, amounts of funding, populations served, types of services, providers, participants, and service access points within Maine's publicly funded workforce development system. This document does not include the significant investment of employers and unions in skills training. It also does not include Maine's investment in K-12 education, which is working to prepare all Maine students to be college, career and citizenship ready.

The picture presented here is a snapshot from the 2004 fiscal year. The programs listed represent most, but not all, of the workforce development programs in Maine. The data was provided by the workforce development agencies administering these programs, and the information is subject to change on a year-by-year basis.

It is important to recognize that this document represents an effort to raise awareness and understanding of workforce development in Maine, and to stimulate thought on improving it. It is not intended to provide a definitive statement, nor does it attempt to advance a policy agenda. It is meant for educational and discussion purposes only.

What follows are observations pertaining to the nine broad subcategories listed on the inside chart.

## Classifications

The classifications of Education, Job Training and Other are meant to help the reader organize the information presented in the map. These categories are unofficial and serve as general interpretations.

## Programs

- There are a multitude of programs delivered within the system
- Programs serve multiple populations
- Job Training programs represent the majority offered (64%)
- Unlike other programs that are marketed directly to workers, the Governor's Training Initiative, Maine Quality Centers, and Maine Manufacturing Extension Partnership are marketed to employers. Workers access these services through their employers

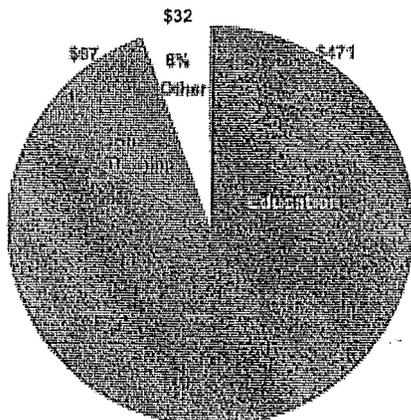
## Funding

- Roughly \$570 million is invested in workforce development
- Education funding represents the large majority of the total funding (82%)
- Of the total funding, 34% comes from federal sources, 51% from state, and 15% from other
- The map shows public sector investment only

### First Job

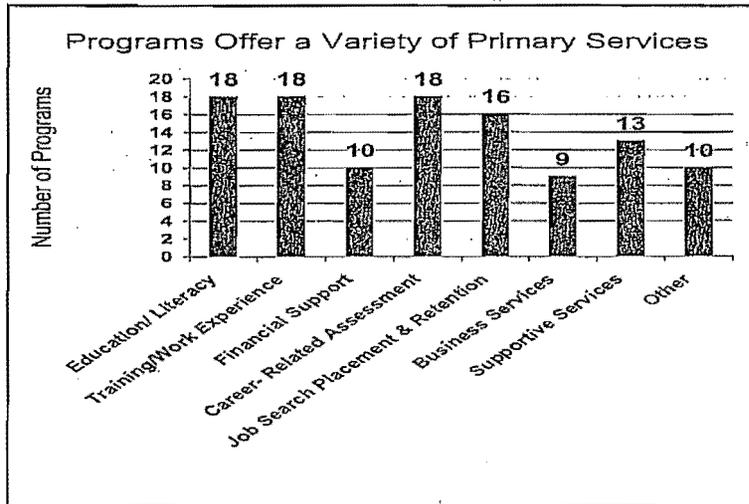
Megan is a high school senior attending United Technologies Center's Career and Technical Education program. She is currently working at the Community College System, which gives her a chance to work on her high school diploma and her college degree. In addition, she is also working in a Pre-Apprenticeship Program to learn about the software system in her field. Through this enrollment, she is gaining a good idea of the kind of skills she will need in a pre-apprenticeship job. She will be able to view many employment opportunities such as technology sales and problem solving that will help her to secure her first job.

Funding by Sector in Millions



# Services

- Programs work collaboratively to coordinate services in order to meet the needs of Maine employers and workers and to maximize resources
- Map shows major services provided, but not all



# Providers

- Of the 22 programs, 17 of them are delivered by nonprofit organizations
- The growing nonprofit sector is lessening reliance on the state for delivery of services

# Populations Served

- Programs are available to youth through senior citizens, providing opportunities for lifelong learning for all of Maine's workforce

# Numbers Served

- Total number served in FY 2003-04 = 303,717 (this number may represent some duplication due to co-enrollment)
- Three-quarters of all people served in the system are through education programs

# Gender

- While there is more balanced male-female representation in education programs, males make up a large majority of the people served in labor programs

# Service Points

- All services may be accessed statewide
- Maine expands its access to services through the use of technology, such as video conferencing services

The production of this document was made possible by the generous support of the John Merck Fund.

# Next Job

Jeff lost his job as a papermaker and subsequently connected with his local CareerCenter to receive Trade Adjustment Assistance retraining funds. After some career exploration, he decided to pursue employment in the health care industry. To start out on his new career, he took some prerequisite courses through the University of Maine. Jeff then applied to and was accepted, and ultimately graduated with high honors from a radiation technology program at his regional community college. He is currently working at MidCoast Hospital as a radiography technician. Jeff plans to continue his education by enrolling in a nuclear medicine program.

Population Served by Gender and Sector



Classification

**Education**

Program

University of Maine System	Maine Community College System	Career and Technical Education	Maine Adult Education	Maine Quality Ce
Provides programs and services designed to address the educational, economic, social, cultural, and environmental interests of Maine residents, businesses, industries, communities, and organizations through teaching, research, public service, and outreach.	Maine's two-year college system offering over 300 career and transfer programs, continuing education and customized training for business and industry.	Oversees the high school Career and Technical Education (vocational education) centers and regions across the state that provide students with the technical skills, knowledge and education necessary for a successful transition to post-secondary education or work.	Provides educational programs for Maine citizens to acquire knowledge and skills necessary to function effectively as a worker, and a citizen.	Offers customized education and training for new and expanding Maine businesses at no cost to the employee trainees.
(207) 973-3240 www.maine.edu	(207) 629-4000 www.mccs.me.edu	(207) 624-6730 www.schoolswork.org	(207) 624-6600 www.maine.gov/education	(207) 767-5210 www.mccs.me.edu

Primary Services

Other Services

Provider

Service Points

Population Served

www.maine.edu	www.mccs.me.edu	www.schoolswork.org	www.maine.gov/education	www.mccs.me.edu
Maine	Maine	Maine	Maine	Maine

Total Funding

Federal Funding

State Funding

Other Funding

\$337.1 million	\$83.9 million	\$30.6 million	\$18.6 million	\$ .8 million
\$90.6 million	\$15.9 million	\$1.6 million	\$4.2 million	
\$213.7 million	\$40.6 million	\$15.0 million	\$4.6 million	\$ .8 million
\$32.8 million	\$27.4 million	\$14.0 million	\$9.8 million	

Number Served FY 2003/2004

Ratio Female / Male



**SYMBOL KEY:**

**DEFINITIONS:**

University of Maine System  
 Maine Community College System  
 Career and Technical Education  
 Maine Adult Education  
 Maine Quality Centers

# An Inventory of Maine's Public Sector

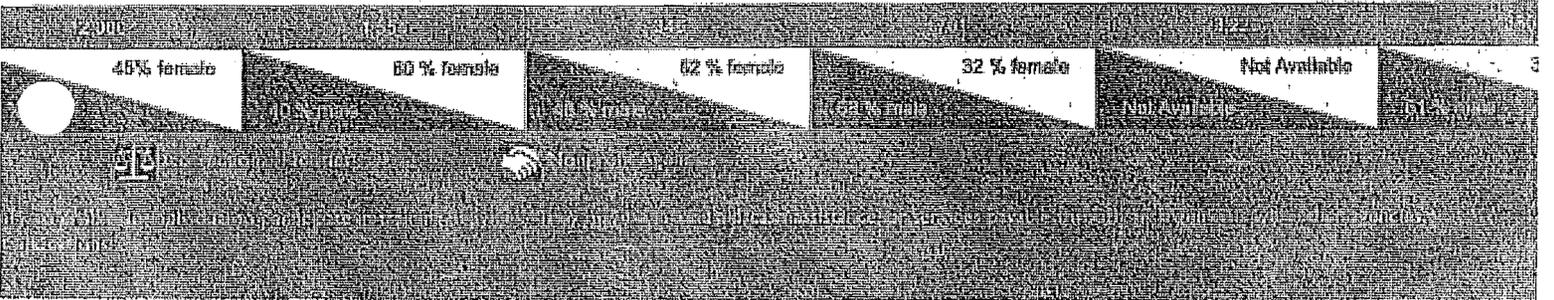
## Training

Rehabilitation Services	Workforce Investment Act (WIA) Title I	Penobscot Job Corps Center	National Emergency Grants	Trade Adjustment Assistance	Loring Job
Provides case management, counseling, referrals, sponsored living and independent living services for people with disabilities.	Provides for the training, education, and employment needs of adults, dislocated workers, and youth.	Provides integrated academic, vocational, career success standards and social skills training to at-risk youth, ages 16-24	Expand service capacity at the State and local levels through time-limited funding assistance in response to significant dislocation events.	Provides workers affected by International trade with the means to attain competitive and marketable skills training.	Provides integrated vocational, career standards and social skills training to at-risk youth, ages 16-
(207) 624-6950 www.state.me.us/rehab TTY: 1-888-765-0023	(207) 624-6390 www.mainejobscenter.com TTY: 1-800-794-1110	1-800-949-1937 www.bostonregion.jobcorps.gov	1-877-US-2JOBS www.doleta.gov/neg/	1-877-US-2JOBS www.doleta.gov/tradeact/	(207) 928-4 www.loring.job

Education/Literacy	Education/Literacy	Education/Literacy	Education/Literacy	Education/Literacy	Education/Literacy
Training/Work Experience					
Financial Support					
Career-Related Assessment					
Job Search/Placement and Retention					
Business Services					
Supportive Services					
Assistive Technology					

The program is designed to provide training and support to dislocated workers and other at-risk youth, ages 16-24, to help them gain the skills and experience needed to enter the workforce. The program is funded through the National Emergency Grants program and the Trade Adjustment Assistance program.

\$19.1 million	\$9.8 million	\$8.0 million	\$7.8 million**	\$6.3 million	\$6.2 million
\$14.5 million	\$8.4 million	\$8.0 million	\$7.8 million	\$6.3 million	\$6.2 million
\$3.9 million	\$1.4 million*				
\$ .8 million					



# Investment in Workforce Development

Program	Labor Exchange / Wagner-Peyser	Maine Conservation Corps	Governor's Training Initiative	Women, Work and Community	Maine Apprenticeship Program	Outreach
Program Description	Connects job seekers and employers through the CareerCenter.	Provides opportunities to learn new skills and gain experience in environmental careers.	Provides partial reimbursement of training costs to employers who hire new employees, and/or retain or upgrade their existing work force.	Provides training, advocacy and assistance in workforce development, microenterprise development, asset development and leadership development.	Provides customized, systematic training through on-the-job training (OJT) and related classroom instruction.	Provides outreach to...
Contact Information	(207) 624-6400 www.dolela.gov/usworkforce/wia TTY 1-800-794-1110	(207) 287-4931 www.maineccareercenter.com/mcc TTY: 800-794-1110	(207) 624-6390 www.maineccareercenter.com TTY: 800-794-1110	(207) 621-3435 www.womenworkandcommunity.org	(207) 624-6390 www.maineccareercenter.com TTY 1-800-794-1110	

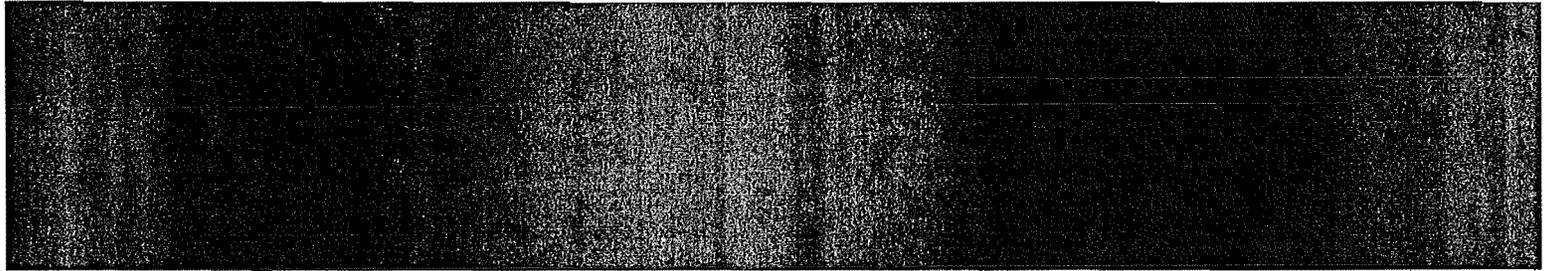
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\$3.9 million	\$2.1 million	\$1.4 million	1.3 million	\$6 million
\$3.9 million	\$8 million		\$3 million	
	\$7 million	\$1.4 million	\$7 million	\$6 million
	\$6 million		\$3 million	

42,251	74	2,799	1,018	616
41 % female	37 % female	Not Available	93 % female	21 % female
59 % male	63 % male	Not Available	7 % male	79 % male

				Other	
<b>Veterans' Program (DVOP)</b>	<b>Local Veterans' Employment Rep. (LVER) Program</b>	<b>Senior Community Service Employment Program</b>	<b>Additional Support for People in Retraining and Employment (ASPIRE)</b>	<b>State Correctional System</b>	<b>Maine Manufacturing Extension Partnership</b>
...es to meet the needs of disabled and other eligible veterans	Conducts outreach to businesses to increase employment opportunities for veterans.	Provides part-time community service training assignments promoting the transition to unsubsidized employment.	Provides case management, support services, access to education, training and employment, and assisting in retaining employment leading to self-support.	Provides programs and services to reduce the likelihood of reoffending.	Links small and medium sized manufacturers with innovative solutions to become more competitive in the global marketplace. The MEP provides technical assistance and training to help optimize and sustain a organization's productivity, quality and profitability.
SA/DOL	1-800-433-6001	(207) 287-9200	(207) 287-2826	(207) 287-7711	(707) 823-0980
gov/vets	www.dol.gov/vets	www.nationalaspiire.org	www.maine.gov/dhhs TTY: 207-287-4479	www.maine.gov/corrections TTY: 207-667-5590	www.mainekep.org



5+, Displaced persons with Veterans	Adults, Age 55+, Displaced Workers, Persons with Disabilities, Veterans	Age 55+	TANF parents, food stamp adults	Adults, Incarcerated, Youth, Students, Age 55+, Persons with Disabilities, Single Parents	Small and medium sized manufacturers

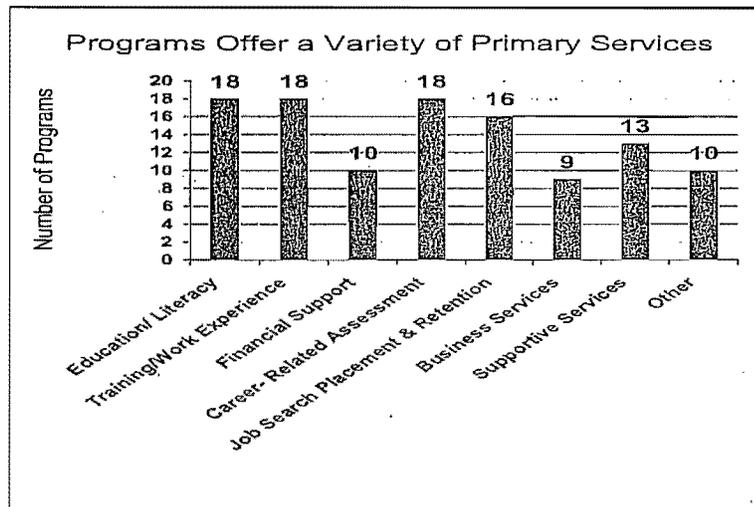
...llion	\$ .3 million	\$2.6 million	\$21.6 million	\$6.9 million	\$3.8 million
...llion	\$ .3 million	\$2.1 million	\$19.1 million	\$ .3 million	\$1.6 million
		\$ .5 million	\$2.5 million	\$6.6 million	\$ .7 million
					\$1.5 million***

11	2,095	370	12,704	2,233	103
9 % female	8 % female	75% female	78% female	14% female	Not Available
92 % male		25% male	22% male	86% male	Not Available

\*State investment supports CareerCenter infrastructure.  
 \*\* This program receives episodic (not annual) funding.  
 \*\*\* This total represents one-time grant funding.

## Services

- Programs work collaboratively to coordinate services in order to meet the needs of Maine employers and workers and to maximize resources
- Map shows major services provided, but not all



## Providers

- Of the 22 programs, 17 of them are delivered by nonprofit organizations
- The growing nonprofit sector is lessening reliance on the state for delivery of services

## Populations Served

- Programs are available to youth through senior citizens, providing opportunities for lifelong learning for all of Maine's workforce

## Numbers Served

- Total number served in FY 2003-04 = 303,717 (this number may represent some duplication due to co-enrollment)
- Three-quarters of all people served in the system are through education programs

## Gender

- While there is more balanced male-female representation in education programs, males make up a large majority of the people served in labor programs

## Service Points

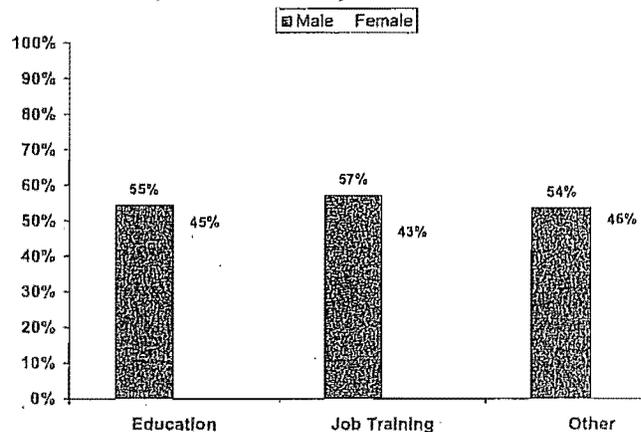
- All services may be accessed statewide
- Maine expands its access to services through the use of technology, such as video conferencing services

*The production of this document was made possible by the generous support of the John Merck Fund.*

## Next Job

Jeff lost his job as a papermaker and subsequently connected with his local CareerCenter to receive Trade Adjustment Assistance retraining funds. After some career exploration, he decided to pursue employment in the health care industry. To start out on his new career, he took some prerequisite courses through the University of Maine. Jeff then applied to and was accepted and ultimately graduated with high honors from a radiation technology program at his regional community college. He is currently working at MidCoast Hospital as a radiography technician. Jeff plans to continue his education by enrolling in a nuclear medicine program.

Population Served by Gender and Sector



## Business Success Story

A team of certified workforce development consultants from the Lewiston CareerCenter recently conducted a workforce needs assessment with an Auburn-based manufacturer. The assessment identified numerous workforce-related issues faced by the company, and the team designed an Employer Service Strategy (ESS) to address them.

Finding appropriate labor was a key concern for this employer. The team discussed a variety of avenues for recruitment and training of new workers, as well as skill upgrades of existing workers. In the end, the ESS called for a variety of services to be coordinated through the Lewiston CareerCenter. These services included **Trade Adjustment Assistance, veteran's services, apprenticeship, and adult education**, as well as the services of **Maine Manufacturing Extension Partnership** and the **Governor's Training Initiative**.

The various service providers worked cooperatively behind the scenes to address business, worker and provider needs. These needs were met simultaneously through a coordinated approach triggered by the ESS. Coordinating workforce delivery services such as this serves Maine workers and businesses more effectively.

## Background and Acknowledgements

This document was prepared by the Maine Development Foundation (MDF) for the Governor's Workforce Cabinet. MDF worked in conjunction with the Maine Jobs Council to produce this document. In addition, a task force comprised of representatives from agencies across the workforce development system helped guide its development.

Governor Baldacci formed the Workforce Cabinet in November 2003. It is chaired by the Commissioner of Labor and comprised of seven major state departments and agencies. The mission of the Workforce Cabinet is to promote greater coordination between education, workforce, and economic development. This document will be used to support the development of the Workforce Cabinet's strategic plan.

The Maine Jobs Council leads, advises, and manages the effort to create a world-class workforce development system in Maine. The Council leads by focusing on the big picture, by setting a tone of collaboration, and by educating policy-makers and the public. The Council advises by making recommendations to the Governor and Legislature. As the Statewide Workforce Investment Board, the Council manages by overseeing the implementation of workforce development programs.

MDF was created by the Legislature and the Governor in 1978 as a private, nonpartisan, nonprofit corporation with a broad mandate to promote Maine's economy. MDF empowers leaders, strengthens communities and guides public policy. MDF is funded by fee-for-service, private contributions, foundation grants, and state contracts.

The Maine Development Foundation and the Maine Jobs Council would like to express sincere appreciation to all of the people and organizations who generously provided data and guidance.

## On the Web

This document is available at the website of the Maine Development Foundation. Please visit [www.mdf.org](http://www.mdf.org).

**MAINE DEVELOPMENT FOUNDATION**

45 Memorial Circle, Suite 302  
Augusta, ME 04330  
Tel: (207) 622-6345  
[www.mdf.org](http://www.mdf.org)



**Maine Jobs Council**

19 Union Street  
Augusta, ME 04330  
Tel: (207) 287-6425  
[www.maine.gov/labor/mjc](http://www.maine.gov/labor/mjc)

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**From:** Sellers, Jeff [mailto:Jeff.Sellers@fldoe.org]  
**Sent:** Friday, December 05, 2008 11:39 AM  
**To:** Hurwitch, Bill  
**Cc:** Humose, Michelle  
**Subject:** RE: SSN Information

Bill,

Below are references to Florida statutes on the collection and use of SSN.

Florida Statute 1002.22 lays out where SSN falls into a student record and to whom the schools and DOE (state ed agency) can release this information.

Under 1002.20, F.S.: K-12 Student and parent rights, the following section appears:

(13) STUDENT RECORDS.--

(a) *Parent rights.*--Parents have rights regarding the student records of their children, including right of access, right of waiver of access, right to challenge and hearing, and right of privacy, in accordance with the provisions of s. 1002.22.

(b) *Student rights.*--In accordance with the provisions of s. 1008.386, a student is not required to provide his or her social security number as a condition for enrollment or graduation.

1008.386, F.S. discusses the use of SSN as a student identifier.

1008.389, F.S., discusses how FLDOE matches up with other state agencies via SSN (for FETPIP).

1008.385, F.S., does not deal with SSNs, but it does deal with setting up different MIS groups and the district's reporting.

Please let me know if you need additional information.

-- Jeff

Select Year:

## The 2008 Florida Statutes

<a href="#">Title XLVIII</a>	<a href="#">Chapter 1002</a>	<a href="#">View Entire Chapter</a>
K-20 EDUCATION CODE	STUDENT AND PARENTAL RIGHTS AND EDUCATIONAL CHOICES	

### 1002.22 Student records and reports; rights of parents and students; notification; penalty.--

(1) PURPOSE.--The purpose of this section is to protect the rights of students and their parents with respect to student records and reports as created, maintained, and used by public educational institutions in the state. The intent of the Legislature is that students and their parents shall have rights of access, rights of challenge, and rights of privacy with respect to such records and reports, and that rules shall be available for the exercise of these rights.

(2) DEFINITIONS.--As used in this section:

(a) "Chief executive officer" means that person, whether elected or appointed, who is responsible for the management and administration of any public educational body or unit, or the chief executive officer's designee for student records; that is, the district school superintendent, the director of a career center, the president of a public postsecondary educational institution, or their designees.

(b) "Directory information" includes the student's name, address, telephone number if it is a listed number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(c) "Records" and "reports" mean official records, files, and data directly related to students that are created, maintained, and used by public educational institutions, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or school system for legitimate educational or research purposes. Materials that shall be considered as part of a student's record include, but are not necessarily limited to: identifying data, including a student's social security number; academic work completed; level of achievement records, including grades and standardized achievement test scores; attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; verified reports of serious or recurrent behavior patterns; and any other evidence, knowledge, or information recorded in any medium, including, but not limited to, handwriting, typewriting, print, magnetic tapes, film, microfilm, and microfiche, and maintained and used by an educational agency or institution or by a person acting for such agency or institution. However, the terms "records" and "reports" do not include:

1. Records of instructional, supervisory, and administrative personnel, and educational personnel ancillary to those persons, that are kept in the sole possession of the maker of the record and are not

accessible or revealed to any other person except a substitute for any of such persons. An example of records of this type is instructor's grade books.

2. Records of law enforcement units of the institution that are maintained solely for law enforcement purposes and that are not available to persons other than officials of the institution or law enforcement officials of the same jurisdiction in the exercise of that jurisdiction.
3. Records made and maintained by the institution in the normal course of business that relate exclusively to a student in his or her capacity as an employee and that are not available for use for any other purpose.
4. Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, that are created, maintained, or used only in connection with the provision of treatment to the student and that are not available to anyone other than persons providing such treatment. However, such records shall be open to a physician or other appropriate professional of the student's choice.
5. Directory information as defined in this section.
6. Other information, files, or data that do not permit the personal identification of a student.
7. Letters or statements of recommendation or evaluation that were confidential under Florida law and that were received and made a part of the student's educational records prior to July 1, 1977.
8. Copies of the student's fingerprints. No public educational institution shall maintain any report or record relative to a student that includes a copy of the student's fingerprints.

(d) "Student" means any child or adult who is enrolled or who has been enrolled in any instructional program or activity conducted under the authority and direction of an institution comprising a part of the state system of public education and with respect to whom an educational institution maintains educational records and reports or personally identifiable information, but does not include a person who has not been in attendance as an enrollee at such institution.

(3) RIGHTS OF PARENT OR STUDENT.--The parent of any student who attends or has attended any public school, career center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(a) *Right of access.*--

1. Such parent or student shall have the right, upon request directed to the appropriate school official,

to be provided with a list of the types of records and reports, directly related to students, as maintained by the institution that the student attends or has attended.

2. Such parent or student shall have the right, upon request, to be shown any record or report relating to such student maintained by any public educational institution. When the record or report includes information on more than one student, the parent or student shall be entitled to receive, or be informed of, only that part of the record or report that pertains to the student who is the subject of the request. Upon a reasonable request therefor, the institution shall furnish such parent or student with an explanation or interpretation of any such record or report.

3. Copies of any list, record, or report requested under the provisions of this paragraph shall be furnished to the parent or student upon request.

4. The State Board of Education shall adopt rules to be followed by all public educational institutions in granting requests for lists, or for access to reports and records or for copies or explanations thereof under this paragraph. However, access to any report or record requested under the provisions of subparagraph 2. shall be granted within 30 days after receipt of such request by the institution. Fees may be charged for furnishing any copies of reports or records requested under subparagraph 3., but such fees shall not exceed the actual cost to the institution of producing such copies.

(b) *Right of waiver of access to confidential letters or statements.*--A parent or student shall have the right to waive the right of access to letters or statements of recommendation or evaluation, except that such waiver shall apply to recommendations or evaluations only if:

1. The parent or student is, upon request, notified of the names of all persons submitting confidential letters or statements.

2. Such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in this state.

(c) *Right to challenge and hearing.*--A parent or student shall have the right to challenge the content of any record or report to which such person is granted access under paragraph (a), in order to ensure that the record or report is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained therein. Any challenge arising under the provisions of this paragraph may be settled through informal meetings or discussions between the parent or student and appropriate officials of the educational institution. If the parties at such a meeting agree to make corrections, to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties; and the appropriate school officials shall take the necessary actions to implement the agreement. If the parties cannot reach an agreement, upon the request of either party, a hearing shall be held on such challenge under rules adopted by the State Board of Education. Upon the request of the parent or student, the hearing shall be exempt from the requirements of s. 286.011. Such rules shall

include at least the following provisions:

1. The hearing shall be conducted within a reasonable period of time following the request for the hearing.
2. The hearing shall be conducted, and the decision rendered, by an official of the educational institution or other party who does not have a direct interest in the outcome of the hearing.
3. The parent or student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under this paragraph.
4. The decision shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.
5. The appropriate school officials shall take the necessary actions to implement the decision.

(d) *Right of privacy.*--Every student has a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student, and any personal information contained therein, are confidential and exempt from s. 119.07(1). A state or local educational agency, board, public school, career center, or public postsecondary educational institution may not permit the release of such records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.
2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.
3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.
4. Other school officials, in connection with a student's application for or receipt of financial aid.
5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

6. Accrediting organizations, in order to carry out their accrediting functions.
7. Early learning coalitions and the Agency for Workforce Innovation in order to carry out their assigned duties.
8. For use as evidence in student expulsion hearings conducted by a district school board under chapter 120.
9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.
10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from s. 119.07(1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.
- 11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.
- b. A person or entity in accordance with a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.
12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.
13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education.

Information provided in furtherance of the interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceedings before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subparagraphs 1.-14., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information for all students attending the institution and shall allow a reasonable period of time after the notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

(4) NOTIFICATION.--Every parent and student entitled to rights relating to student records and reports under the provisions of subsection (3) shall be notified annually, in writing, of such rights and that the institution has a policy of supporting the law; the types of information and data generally entered in the student records as maintained by the institution; and the procedures to be followed in order to exercise such rights. The notification shall be general in form and in a manner to be determined by the State Board of Education and may be incorporated with other printed materials distributed to students; such as being printed on the back of school assignment forms or report cards for students attending kindergarten or grades 1 through 12 in the public school system and being printed in college catalogs or in other program announcement bulletins for students attending postsecondary educational institutions.

(5) PENALTY.--In the event that any public school official or employee, district school board official or employee, career center official or employee, or public postsecondary educational institution official or employee refuses to comply with any of the provisions of this section, the aggrieved parent or student shall have an immediate right to bring an action in the circuit court to enforce the violated right by injunction. Any aggrieved parent or student who brings such an action and whose rights are vindicated may be awarded attorney's fees and court costs.

(6) APPLICABILITY TO RECORDS OF DEFUNCT INSTITUTIONS.--The provisions of this section also apply to student records that any nonpublic educational institution that is no longer operating has deposited with the district school superintendent in the county where the nonpublic educational institution was located.

History.--s. 94, ch. 2002-387; s. 4, ch. 2004-356; s. 78, ch. 2004-357; s. 13, ch. 2004-484.





employment stability, annual earnings, and relatedness of employment to education.

History.--s. 386, ch. 2002-387.

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## The 2008 Florida Statutes

Title XLVIII  
K-20 EDUCATION CODE

Chapter 1008  
ASSESSMENT AND ACCOUNTABILITY

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### 1008.385 Educational planning and information systems.--

#### (1) EDUCATIONAL PLANNING.--

(a) The Commissioner of Education is responsible for all planning functions for the department, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and community college boards of trustees concerning the planning for career education and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the Sunshine State Standards developed by the Department of Education and adopted by the State Board of Education. The district planning and budgeting system must include consideration of student achievement data obtained pursuant to ss. 1008.22 and 1008.34. The system shall be structured to meet the specific management needs of the district and to align the budget adopted by the district school board with the plan the board has also adopted. Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and to integrate planning and budgeting at the school level.

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The Commissioner of Education shall develop and implement an integrated information system for educational management. The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management

information system shall assure that compatibility exists between its unique system and the district component of the state system so that all data required as input to the state system is made available via electronic transfer and in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;
2. Providing operational definitions for the proposed system;
3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input is the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;
4. Developing standardized terminology and procedures to be followed at all levels of the system;
5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;
6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;
7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. In such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;
8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;
9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in the state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing the plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;
10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;
11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:

- a. The purpose of the reporting requirement;
- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

(b) The specific responsibilities of each district school system shall include:

1. Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings.
2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.
3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.
4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.
5. Advising the commissioner of all district management information needs.
6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.
7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

(3) RULES.--The State Board of Education shall adopt rules to administer this section.

History.--s. 384, ch. 2002-387; s. 111, ch. 2004-357.

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COMMITTEE: EDUCATION AND CULTURAL AFFAIRS

DATE: May 14, 09

MOTION: OTB Am BY: Sutherland SECOND Richardson

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