

1 HOUSE BILL NO. 208

2 INTRODUCED BY J. WELBORN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LOCAL EDUCATIONAL AGENCIES TO PROVIDE
5 CERTAIN STUDENT RECORD INFORMATION TO THE MONTANA YOUTH CHALLENGE PROGRAM ON A
6 SEMIANNUAL BASIS; PROVIDING WRITTEN NOTICE TO A PARENT OR GUARDIAN OF THE DISCLOSURE
7 OF THE STUDENT RECORD INFORMATION; PROVIDING FOR AN OPPORTUNITY TO OBJECT TO THE
8 DISCLOSURE; AMENDING SECTION 20-1-213, MCA; AND PROVIDING AN EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 20-1-213, MCA, is amended to read:

13 **"20-1-213. Transfer of school records.** (1) Subject to the provisions of the Family Educational Rights
14 and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99, and
15 to the provisions of the Individuals With Disabilities Education Act, 20 U.S.C. 1411 through 1420, and its
16 implementing regulations at 34 CFR, part 300, local educational agencies and accredited schools shall adopt a
17 policy that a certified copy of the permanent file, as defined by the board of public education, and the file
18 containing special education records of a student will be forwarded by mail or electronically to a local educational
19 agency or accredited school in which the student seeks or intends to enroll within 5 working days after a receipt
20 of a written or electronic request.

21 (2) If records cannot be forwarded within 5 days, the local educational agency or accredited school shall
22 notify the requestor in writing or electronically providing the reasons why the local educational agency or
23 accredited school is unable to comply within the 5-day timeframe and the local educational agency or accredited
24 school shall provide the date by which the requested records will be transferred.

25 (3) A local educational agency or accredited school may not refuse to transfer files because a student
26 owes fines or fees.

27 (4) The files that are forwarded must include education records in the permanent file, special education
28 records, and any disciplinary actions taken against the student that are educationally related.

29 (5) A local educational agency or accredited school may release student information to the juvenile
30 justice system to assist the system's ability to effectively serve, prior to adjudication, the student whose records

1 are released under provisions of 20 U.S.C. 1232g(B)(1)(E) of the Family Educational Rights and Privacy Act of
 2 1974, as amended. The official to whom the records are disclosed shall certify in writing to the sending official
 3 that the information will not, except as provided by law, be disclosed to any other party without prior written
 4 consent of the parent of the student.

5 (6) The superintendent of public instruction is encouraged to contact other states or provinces and may
 6 enter into reciprocal records transfer agreements with the superintendent of public instruction or a department
 7 of education of any state or province. The superintendent of public instruction shall supply a copy of any
 8 reciprocal records transfer agreement that is executed to the county superintendent of each county that may be
 9 affected by the agreement.

10 (7) Upon request, the local educational agency or accredited school shall transfer by mail or
 11 electronically a copy of the permanent file to a nonpublic school or facility.

12 (8) (a) By October 1 and February 1 of each school fiscal year, a local educational agency shall provide
 13 to the director of the Montana youth challenge program a report containing the name, last-known address, and
 14 dates of attendance of a student who:

15 (i) is at least 16 years of age but less than 19 years of age;

16 (ii) was enrolled but is no longer enrolled in a school in the district;

17 (iii) has not provided school transfer or graduation information to a school in the district; and

18 (iv) has not received a high school diploma or general educational development certificate.

19 (b) At the beginning of each school year, a local educational agency shall provide written notice to the
 20 parent or guardian of the student or to the student if the student is at least 18 years of age or is under 18 years
 21 of age and emancipated of the planned disclosure of the information under subsection (8)(a) and shall provide
 22 an opportunity for objection to the disclosure.

23 (c) The official to whom the information in subsection (8)(a) is provided shall certify in writing to the local
 24 educational agency that is providing the information that the information will not be disclosed to any other party
 25 except as necessary to recruit and retain students.

26 ~~(8)(9)~~ As used in this section, "local educational agency" means a public school district or a state-funded
 27 school."
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29 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2011.

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