

1 SENATE BILL NO. 350  
2 INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO STUDENT DATA  
5 PRIVACY; ESTABLISHING THE STUDENT DATA ACCESSIBILITY, TRANSPARENCY, AND  
6 ACCOUNTABILITY ACT; RESTRICTING ACCESS TO STUDENT DATA; REQUIRING CONFIDENTIALITY OF  
7 STUDENT DATA; PROVIDING EXCEPTIONS TO ACCESS OF STUDENT DATA; PROVIDING FOR  
8 COMPLIANCE AND REPORTING REQUIREMENTS; ALLOWING FOR THE RIGHT TO BE FORGOTTEN;  
9 ESTABLISHING DUTIES OF THE K-12 DATA TASK FORCE; PROVIDING DEFINITIONS; PROVIDING  
10 RULEMAKING AUTHORITY; AND AMENDING SECTIONS 20-1-101, 20-7-104, AND 20-7-105, MCA."

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

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14 NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Student Data  
15 Accessibility, Transparency, and Accountability Act".

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17 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 7], unless the context clearly  
18 indicates otherwise, the following definitions apply:

19 (1) "Aggregate data" means data collected or reported at the group, cohort, or institutional level,  
20 from which individual student identifying information has been removed.

21 (2) "Board" means the board of public education as provided in 20-1-101.

22 (3) "Data system" means the statewide data system used by the office of public instruction as  
23 referred to in 20-7-104, including a data system contract with a third-party vendor.

24 (5) "Deidentified data" means a student dataset in which parent and student identifying  
25 information, including the state-assigned student identifier, has been removed.

26 (6) "Military student identifier" means a unique identifier for each student whose parent or guardian  
27 is a member of the armed forces of the United States, a reserve component of the armed forces of the United  
28 States, or the national guard, which will allow for the disaggregation of each category.

1           (7)     (a) "Student data" means data collected and reported at the individual student level included in  
 2 a student's educational record. In accordance with the provisions of the Family Educational Rights and Privacy  
 3 Act of 1974, 20 U.S.C. 1232g, as amended, student data includes:

4           (i)     state and national assessment results, including information on untested public school  
 5 students;

6           (ii)    course taking and completion, credits earned, and other transcript information;

7           (iii)   course grades and grade point average;

8           (iv)   date of birth, grade level, and expected graduation date;

9           (v)     degree, diploma, credential attainment, and other school exit information such as general  
 10 educational development and dropout data;

11          (vi)    attendance and mobility;

12          (vii)   data required to calculate the federal 4-year adjusted cohort graduation rate, including  
 13 sufficient exit and dropout information;

14          (viii)   discipline reports limited to objective information sufficient to produce the federal Title IV annual  
 15 incident report;

16          (ix)    remediation;

17          (x)     special education data;

18          (xi)    demographic data and program participation information, including tribal affiliation and other  
 19 data associated with students who have been identified as having American Indian heritage; and

20          (xii)   military student identifier.

21          (b)     Unless included in a student's education record, "student data" may not include:

22          (i)     juvenile delinquency records;

23          (ii)    criminal records;

24          (iii)   medical and health records;

25          (iv)   student social security number; or

26          (v)     student biometric information.

27          (8)     "Student testing number" means the unique student identifier assigned by the state to each  
 28 student that may not be or include the social security number of a student in whole or in part.

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**NEW SECTION. Section 3. Student data system -- access -- restrictions -- confidentiality.** (1)

Access to student data and deidentified data in the data system is restricted to:

(a) the superintendent of public instruction and authorized staff or contractors of the office of public instruction who require access to perform their assigned duties;

(b) district administrators, teachers, and school personnel who require access to perform their assigned duties;

(c) students and their parents or legal guardians; and

(d) the authorized staff of other state agencies in this state as required by law or defined by interagency data-sharing agreements.

(2) The superintendent of public instruction shall develop criteria for the approval of research and data requests from state and local agencies, the legislature, researchers, and the public.

(3) A request for access to the data system by a student or their parent or legal guardian under subsection (1)(c) is limited to student data for that student.

(4) Unless otherwise approved by the board, student data maintained by the superintendent of public instruction must remain confidential.

(5) The superintendent of public instruction may use only aggregate data in public reports or in response to record requests in accordance with subsection (3).

(6) Unless otherwise approved by the board to release student data or deidentified data in specific instances, the superintendent of public instruction may only use aggregate data in the release of data in response to research and data requests.

(7) Except as provided in [section 4(2)], the superintendent of public instruction may not share, sell, or otherwise release student data to any for-profit business, nonprofit organization, public-private partnership, governmental unit, or other entity unless the student's parent has provided written consent specifying the data to be released, the reason for the release, and the recipient to whom the data may be released.

**NEW SECTION. Section 4. Exceptions -- data sharing agreements.** (1) The superintendent of

1 public instruction may not transfer student data to any federal, state, or local agency or other entity outside of  
2 this state, unless:

3 (a) a student transfers out of state or a school or school district seeks help with locating an out-of-  
4 state transfer;

5 (b) a student leaves the state to attend an out-of-state institution of higher education or training  
6 program;

7 (c) a student registers for or takes a national or multistate assessment;

8 (d) (i) a student 18 years of age or older voluntarily participates in a program for which the data  
9 transfer is a condition of participation;

10 (ii) a student under 18 years of age has parental consent to participate in a program for which the  
11 data transfer is a condition of participation;

12 (e) the office of public instruction enters a contract that governs databases, assessments, special  
13 education, or instructional supports with an out-of-state vendor;

14 (f) a student is classified as "migrant" for federal reporting purposes; or

15 (g) a student with a military student identifier for purposes of assisting the department of defense in  
16 developing policy and military child education initiatives.

17 (2) (a) The superintendent may release relevant student data to the commissioner of higher  
18 education and the department of labor and industry to ensure that Montana's K-12 education system meets the  
19 expectations of the Montana university system and the workforce needs of the state or for the administration of  
20 state-sponsored scholarship or training opportunities. The superintendent shall determine the necessity of  
21 requests from the commissioner and the department of labor and industry. To ensure student privacy, the  
22 superintendent may only release relevant student data after the department has provided written notice to the  
23 public of the request and its purpose, the request has been approved by the office of public instruction, and the  
24 commissioner and department have entered into a written agreement that contains a confidentiality clause.

25 (b) A written agreement under this subsection (2) must:

26 (i) be reviewed every 2 years to determine whether continued access to the student data is  
27 necessary and protects student privacy; and

28 (ii) require the commissioner and the office of public instruction to destroy and retain no part of

1 student-level information on completion of the research or administrative activities outlined in the agreement.

2 (c) Allowable research and administrative activities under this subsection (2) include but are not  
3 limited to:

4 (i) confirming student eligibility for scholarship or training opportunities;

5 (ii) notifying students or their families of scholarship or training opportunities; and

6 (iii) federally required reporting regarding career and technical education programs, services, and  
7 activities allowed by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, as  
8 amended.

9 (3) (a) An agency receiving student data under subsection (2) must adhere to the same privacy  
10 standards established in [section 6(1)(b)].

11 (b) A request granted under subsection (2) must complete a security audit within the first year of  
12 the written agreement and every 2 years thereafter for the duration of the written agreement.

13 (c) On completion of the request, or on revocation of the written agreement, the agency shall  
14 publish the findings of the request to the public and delete any student data received by the office of public  
15 instruction.

16 (4) If the superintendent of public instruction offers a statewide assessment that also serves as a  
17 college entrance exam, a student's data may be released with the consent of the student to accredited  
18 postsecondary education institutions, testing agencies under contract with a state entity to provide a college  
19 entrance exam to students, or scholarship organizations. A scholarship organization may use information  
20 released under this subsection only for the purpose of scholarship opportunities.

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22 **NEW SECTION. Section 5. Compliance -- reporting -- rulemaking.** (1) The superintendent of  
23 public instruction shall:

24 (a) ensure routine and ongoing compliance by the office of public instruction with the Family  
25 Educational Rights and Privacy Act of 1974, other relevant privacy laws and policies, and the privacy and  
26 security policies and procedures developed under the authority of [sections 1 through 7], including the  
27 performance of compliance audits;

28 (b) ensure that any contracts that govern databases, assessments, or instructional supports that

1 include student data or deidentified data and are outsourced to private vendors include express provisions that  
2 safeguard data privacy and data security and include penalties for noncompliance;

3 (c) report to the education interim committee, in accordance with 5-11-210:

4 (i) new student data proposed for inclusion in the state student data system. Any new student  
5 data collection proposed by the office of public instruction becomes a provisional requirement to allow districts  
6 and their local data system vendors the opportunity to meet the new requirement. The office of public  
7 instruction shall submit any new provisional student data collection to the legislature for approval to make the  
8 new student data a permanent requirement. Any provisional student data collection not approved by the  
9 legislature by the end of the next legislative session expires and is no longer required.

10 (ii) changes to existing data collections required for any reason, including changes to federal  
11 reporting requirements made by the U.S. department of education; and

12 (iii) the results of all privacy compliance and security audits completed in the past year.  
13 Notifications regarding privacy compliance and security audits may not include any information that would itself  
14 pose a security threat to the state or local student data systems or to the secure transmission of data between  
15 state and local systems by exposing vulnerabilities.

16 (2) The office of public instruction shall adopt rules to implement the provisions of [sections 1  
17 through 7].

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19 **NEW SECTION. Section 6. Duties of K-12 task force regarding student data privacy.** (1) The  
20 superintendent of public instruction shall continually work in consultation with the K-12 data task force provided  
21 for in 20-7-105 to

22 (a) create, publish, and make publicly available a data inventory and dictionary or index of data  
23 elements with definitions of individual student data fields currently in the data system used by the office of  
24 public instruction, including:

25 (i) any individual student data required to be reported by state and federal education mandates;

26 (ii) any individual student data that has been proposed for inclusion in the student data system  
27 with a statement regarding the purpose or reason for the proposed collection; and

28 (iii) any individual student data that the office of public instruction collects or maintains with no

1 current purpose or reason;

2 (b) develop a detailed data security plan that includes:

3 (i) guidelines for authorizing access to the student data system and to individual student data,

4 including guidelines for authentication of authorized access;

5 (ii) privacy compliance standards;

6 (iii) privacy and security audits;

7 (iv) breach planning, notification, and procedures; and

8 (v) data retention and disposition policies;

9 (c) develop, publish, and make publicly available policies and procedures to comply with the

10 Family Educational Rights and Privacy Act of 1974 and other relevant privacy laws and policies; and

11 (d) provide annual notification to students and parents regarding their privacy rights under federal

12 and state law.

13 (2) Notifications of all rights, policies, and procedures under subsections (1)(c) and (1)(d) must be

14 made available to the public through written publication and on the office of public instruction's website.

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16 **NEW SECTION. Section 7. Right to be forgotten -- verifiable request -- timeline -- rulemaking.**

17 (1) A student or parent is entitled to request that the superintendent of public instruction delete any student data

18 collected and stored in the student data system on that student by submitting a verifiable request under

19 subsection (4).

20 (2) Except as provided in subsection (3), on receipt of a verifiable request under this section, the

21 superintendent of public instruction shall delete or have deleted from the student data system any student data

22 collected and stored in the student data system in the time provided for in subsection (6).

23 (3) The superintendent of public instruction is not required to comply with a verifiable request

24 received under this section if:

25 (a) the office of public instruction needs to retain the student data to:

26 (i) comply with federal or state law for funding purposes;

27 (ii) comply with state budgetary obligations;

28 (iii) perform a contract between another state agency or third-party vendor; or

1 (iv) comply with a court order or subpoena or other lawful process; or

2 (b) compliance with a verifiable request would cause the office of public instruction an operational  
3 hardship.

4 (4) (a) The superintendent of public instruction shall designate and make available to students and  
5 parents in a form that is reasonably accessible, at least two methods for submitting a verifiable request for  
6 student data to be deleted under [sections 1 through 7], including:

7 (i) the office of public instruction's website at which the student or parent may submit the request;

8 (ii) a mailing address;

9 (iii) an e-mail address; or

10 (iv) another internet webpage or portal.

11 (b) The superintendent of public instruction may not require a student or parent to create an  
12 account with the office of public instruction to submit a verifiable request.

13 (5) (a) Upon receiving a verifiable request under this section, the office of public instruction shall  
14 promptly take steps to reasonably verify that:

15 (i) the student who is the subject of the request is a student about whom the office of public  
16 instruction has collected student data; and

17 (ii) the request is made by:

18 (A) the student; or

19 (B) a parent or legal guardian on behalf of the student if the student is a minor.

20 (b) The office of public instruction may use any personal information collected from the student in  
21 connection with the verification of a request under this section solely to verify the request.

22 (c) The office of public instruction is not required to comply with the request if unable to verify a  
23 request under this section.

24 (6) (a) Not later than 45 days after the date the office of public instruction receives a verifiable  
25 request under this section, the office of public instruction shall delete the student data from the student data  
26 system and disclose free of charge to the student or parent the contents of the deleted student data.

27 (b) The office of public instruction may extend the time in which to comply with subsection (6)(a)  
28 once by an additional 45 days if reasonably necessary or by an additional 90 days after considering the number



1 and complexity of verifiable requests received. The office of public instruction shall notify the student or parent  
2 of the extension and reason for the delay within the period prescribed.

3 (7) The office of public instruction shall adopt rules to implement the provisions of this section.  
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5 **Section 8.** Section 20-1-101, MCA, is amended to read:

6 **"20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the  
7 following definitions apply:

8 (1) "Accreditation standards" means the body of administrative rules governing standards such as:

9 (a) school leadership;

10 (b) educational opportunity;

11 (c) academic requirements;

12 (d) program area standards;

13 (e) content and performance standards;

14 (f) school facilities and records;

15 (g) student assessment; and

16 (h) general provisions.

17 (2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is  
18 offered or for which a pupil is enrolled.

19 (3) "Agricultural experiment station" means the agricultural experiment station established at  
20 Montana state university-Bozeman.

21 (4) "At-risk student" means any student who is affected by environmental conditions that negatively  
22 impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

23 (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-  
24 time pupils physically attending or receiving educational services at an offsite instructional setting from the  
25 public schools of a district.

26 (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of  
27 the Montana constitution and 2-15-1507.

28 (7) "Board of regents" means the board of regents of higher education created by Article X, section

1 9, subsection (2), of the Montana constitution and 2-15-1505.

2 (8) "Commissioner" means the commissioner of higher education created by Article X, section 9,  
3 subsection (2), of the Montana constitution and 2-15-1506.

4 (9) "County superintendent" means the county government official who is the school officer of the  
5 county.

6 (10) "Directory information" means the information contained in a student's education record that a  
7 school may disclose to third parties without consent as provided by 34 CFR 99.3 and 34 CFR 99.37, such as  
8 name, address, telephone listing, date and place of birth, participation in officially recognized activities and  
9 sports, and dates of attendance.

10 ~~(4)~~(11) "District superintendent" means a person who holds a valid class 3 Montana teacher  
11 certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction  
12 under the provisions of this title and the policies adopted by the board of public education and who has been  
13 employed by a district as a district superintendent.

14 ~~(11)~~(12) (a) "Educational program" means a set of educational offerings designed to meet the program  
15 area standards contained in the accreditation standards.

16 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-  
17 803.

18 ~~(12)~~(13) "K-12 career and vocational/technical education" means organized educational activities that  
19 have been approved by the office of public instruction and that:

20 (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge  
21 and skills that the pupil needs to prepare for further education and for careers in the current or emerging  
22 employment sectors; and

23 (b) include competency-based applied learning through advanced opportunities, work-based  
24 learning partnerships, and other experiential learning opportunities that contribute to the academic knowledge,  
25 higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills,  
26 and occupation-specific skills of the pupil.

27 ~~(13)~~(14) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be  
28 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between

1 classes and, in an offsite instructional setting, includes time spent logging on and off an offsite learning  
2 platform.

3 (b) The term does not include lunch time and periods of unstructured recess.

4 ~~(14)~~(15) "Offsite instructional setting" means an instructional setting at a location, separate from a main  
5 school site, where a school district provides for instruction to a student who is enrolled in the district.

6 ~~(15)~~(16) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an  
7 applicable principal's endorsement that has been issued by the superintendent of public instruction under the  
8 provisions of this title and the policies adopted by the board of public education and who has been employed by  
9 a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including  
10 a principal.

11 ~~(16)~~(17) "Pupil" means an individual who is admitted by the board of trustees pursuant to 20-5-101 and  
12 who is enrolled in a school established and maintained under the laws of the state at public expense. The  
13 eligibility of pupils and calculations for average number belonging are governed by 20-9-311.

14 ~~(17)~~(18) "Pupil instruction" means the conduct of organized learning opportunities for pupils enrolled in  
15 public schools while under the supervision of a teacher. The term includes any directed, distributive,  
16 collaborative, or work-based or other experiential learning activity provided, supervised, guided, facilitated, or  
17 coordinated under the supervision of a teacher that is conducted purposely to achieve content proficiency and  
18 facilitate the acquisition of knowledge, skills, and abilities by pupils enrolled in public schools, and to otherwise  
19 fulfill their full educational potential.

20 ~~(18)~~(19) "Qualified and effective teacher or administrator" means an educator who is licensed and  
21 endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as  
22 established by the board of public education.

23 ~~(19)~~(20) "Regents" means the board of regents of higher education.

24 ~~(20)~~(21) "Regular school election" or "trustee election" means the election for school board members  
25 held on the day established in 20-20-105(1).

26 ~~(21)~~(22) "School election" means a regular school election or any election conducted by a district or  
27 community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high  
28 school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for

1 decision in accordance with the provisions of this title.

2 ~~(22)~~(23) "School food services" means a service of providing food for the pupils of a district on a  
3 nonprofit basis and includes any food service financially assisted through funds or commodities provided by the  
4 United States government.

5 ~~(23)~~(24) "Special school election" means an election held on a day other than the day of the regular  
6 school election, primary election, or general election.

7 ~~(24)~~(25) "State board of education" means the board composed of the board of public education and  
8 the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

9 ~~(25)~~(26) "State university" means Montana state university-Bozeman.

10 ~~(26)~~(27) "Student with limited English proficiency" means any student:

11 (a) (i) who was not born in the United States or whose native language is a language other than  
12 English;

13 (ii) who is an American Indian and who comes from an environment in which a language other  
14 than English has had a significant impact on the individual's level of English proficiency; or

15 (iii) who is migratory, whose native language is a language other than English, and who comes  
16 from an environment in which a language other than English is dominant; and

17 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be  
18 sufficient to deny the student:

19 (i) the ability to meet the state's proficiency assessments;

20 (ii) the ability to successfully achieve in classrooms in which the language of instruction is English;

21 or

22 (iii) the opportunity to participate fully in society.

23 ~~(27)~~(28) "Superintendent of public instruction" means that state government official designated as a  
24 member of the executive branch by the Montana constitution.

25 ~~(28)~~(29) "System" means the Montana university system.

26 ~~(29)~~(30) "Teacher" means a person, except a district superintendent, who holds a valid Montana  
27 teacher certificate that has been issued by the superintendent of public instruction under the provisions of this  
28 title and the policies adopted by the board of public education and who is employed by a district as a member of

1 its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an  
2 emergency authorization of employment has been issued under the provisions of 20-4-111.

3 ~~(30)~~(31) "Textbook" means a book, digital resource, or manual used as a principal source of study  
4 material for a given class or group of students.

5 ~~(31)~~(32) "Textbook dealer" means a party, company, corporation, or other organization selling, offering  
6 to sell, or offering for adoption textbooks to districts in the state.

7 ~~(32)~~(33) "Trustees" means the governing board of a district.

8 ~~(33)~~(34) "University" means the university of Montana-Missoula.

9 ~~(34)~~(35) "Vocational-technical education" means vocational-technical education of vocational-technical  
10 students that is conducted by a unit of the Montana university system, a community college, or a tribally  
11 controlled community college, as designated by the board of regents."  
12

13 **Section 9.** Section 20-7-104, MCA, is amended to read:

14 **"20-7-104. Transparency and public availability of public school performance data -- reporting -**  
15 **- availability for timely use to improve instruction.** (1) The office of public instruction's statewide data  
16 system must, at a minimum:

17 (a) include data entry and intuitive reporting options that school districts can use to make timely  
18 decisions that improve instruction and impact student performance while creating a collaborative environment  
19 for parents, teachers, and students to work together in improving student performance. Options that the office  
20 of public instruction shall incorporate and make available for each school district must include data linkages to  
21 provide for automated conversion of data from systems already in use by school districts or by the office of  
22 public instruction that allow districts to collect, manage, and present local classroom assessment scores,  
23 grades, attendance, and other data to assist in instructional intervention alongside the existing school  
24 accountability and statewide student achievement results. The office of public instruction shall ensure that the  
25 design of the system is enhanced to prioritize collaborative support of each student's needs by classroom  
26 educators, administrators, and parents.

27 (b) display a publicly available educational data profile for each school district that is limited to  
28 directory information as defined in 20-1-101 and protects each student's education records in compliance with

1 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing  
2 regulations at 34 CFR, part 99.

3 (2) Subject to subsection (1)(b), each school district's educational profile must include, at a  
4 minimum, the following elements:

5 (a) school district contact information and links to district websites, when available;

6 (b) state criterion-referenced testing results;

7 (c) program and course offerings;

8 (d) student enrollment and demographics by grade level; and

9 (e) graduation rates.

10 (3) Each school district shall annually report to the office of public instruction and publish and post  
11 on the school district's internet website the following district data for the preceding school year:

12 (a) the number and type of employee positions, including administrators;

13 (b) for the current employee in each position:

14 (i) the total amount of compensation paid to the employee by the district. The total amount of  
15 compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other  
16 income from school-sanctioned extracurricular activities, including coaching and similar activities.

17 (ii) the certification held by and required of the employee;

18 (c) the student-teacher ratio by grade;

19 (d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total  
20 cost and cost per square foot; and

21 (ii) the amount of principal and interest paid on bonds;

22 (e) the total district expenditures per student;

23 (f) the total budget for all funds;

24 (g) the total number of students enrolled and the average daily attendance;

25 (h) the total amount spent by the district on extracurricular activities and the total number of  
26 students that participated in extracurricular activities; and

27 (i) the number of students that entered the 9th grade in the school district but did not graduate  
28 from a high school in that district and for which the school district did not receive a transfer request. For

1 reporting purposes, the students identified under this subsection (3)(i) are considered to have dropped out of  
2 school.

3 (4) Each school district shall also post on the school district's internet website a copy of every  
4 working agreement the district has with any organized labor organization and the district's costs, if any,  
5 associated with employee union representation, collective bargaining, and union grievance procedures and  
6 litigation resulting from union employee grievances.

7 (5) If a school district does not have an internet website, the school district shall publish the  
8 information required under subsections (2) and (3) in printed form and provide a copy of the information upon  
9 request at the cost incurred by the school district for printing only.

10 (6) The superintendent of public instruction shall continually work in consultation with the K-12  
11 data task force provided for in 20-7-105 to analyze the best options for a statewide data system that will best  
12 enhance the ability of school districts to use data for the purposes identified in this section. Emphasis must be  
13 placed on developing or purchasing and customizing a statewide data system that ~~promotes and preserves~~  
14 ~~community ownership and local control and~~ that incorporates innovative technologies available in the  
15 marketplace that may be in use and that are successfully working in other states. The office of public instruction  
16 and the K-12 data task force shall collaborate to enhance the statewide data system to support:

- 17 (a) the needs of school districts in using data to improve instruction and student performance;  
18 (b) the collection of data from schools through a process that provides for automated conversion of  
19 data from systems already in use by school districts or the office of public instruction and that resolves the  
20 repetition of data entry and redundancy of data requested that has been characteristic of the data system in the  
21 past and that otherwise reduces the diversion of district staff time away from instruction and supervision;  
22 (c) increased use of data from the centralized system by various functions within the office of  
23 public instruction; and  
24 (d) transparency in reporting to schools, school districts, communities, and the public.

25 (7) The superintendent of public instruction shall gather, maintain, and distribute longitudinal,  
26 actionable data in the following areas:

- 27 (a) statewide student identifier;  
28 (b) student-level enrollment data, including average daily attendance;

- 1 (c) student-level statewide assessment data;
- 2 (d) information on untested students;
- 3 (e) student-level graduation and dropout data;
- 4 (f) ability to match student-level K-12 data with higher education and workforce data;
- 5 (g) a statewide data audit system;
- 6 (h) a system to track student achievement with a direct teacher-to-student match to help track,
- 7 report, and create opportunities for improved individual student performance;
- 8 (i) student-level course completion data, including transcripts, to assess career and college
- 9 readiness; and
- 10 (j) student-level ACT results, scholastic achievement test results, and advanced placement exam
- 11 data.

12 (8) The superintendent of public instruction shall emphasize the creation of and distribution of

13 individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students

14 and families as they relate to education so that school districts may use the data to support timely academic

15 intervention as needed and to otherwise improve the academic achievement of the students of each school

16 district.

17 ~~(9) (a) In addition to the data privacy protections in subsection (1)(b) and except as provided in~~

18 ~~subsections (9)(b) and (9)(c), the superintendent of public instruction may provide personally identifiable~~

19 ~~information gathered, maintained, and distributed pursuant to subsection (7) and any other personally~~

20 ~~identifiable data only to the office of public instruction, the school district where the student is or has been~~

21 ~~enrolled, the parent, and the student. Except as provided in subsections (9)(b) and (9)(c), the superintendent of~~

22 ~~public instruction may not share, sell, or otherwise release personally identifiable information to any for-profit~~

23 ~~business, nonprofit organization, public-private partnership, governmental unit, or other entity unless the~~

24 ~~student's parent has provided written consent specifying the data to be released, the reason for the release,~~

25 ~~and the recipient to whom the data may be released.~~

26 ~~(b) The superintendent may release student-level information to the commissioner of higher education~~

27 ~~and the department of labor and industry for the sole purpose of research directed at ensuring that Montana's~~

28 ~~K-12 education system meets the expectations of the Montana university system and the workforce needs of~~



1 the state. The superintendent shall determine the necessity of research requests from the commissioner and  
 2 the department of labor and industry and may only release student-level information after entering agreements  
 3 with the commissioner and the department to ensure student privacy. An agreement under this subsection  
 4 (9)(b) must:

5 (i) ~~expire no later than 18 months after the agreement is made; and~~

6 (ii) ~~require the commissioner and the department to destroy and retain no part of student-level~~  
 7 ~~information upon completion of the research outlined in the agreement.~~

8 (c) ~~If the superintendent of public instruction offers a statewide assessment that also serves as a~~  
 9 ~~college entrance exam, a student's personally identifiable information may be released with the consent of the~~  
 10 ~~student to accredited postsecondary education institutions, testing agencies under contract with a state entity to~~  
 11 ~~provide a college entrance exam to students, or scholarship organizations. A scholarship organization may use~~  
 12 ~~information released under this subsection (9)(c) only for the purpose of scholarship opportunities. The~~  
 13 ~~legislature intends that the release of information pursuant to this subsection (9)(c) is for the sole purpose of~~  
 14 ~~increasing access to higher education opportunities for students.~~

15 (10) ~~On or before June 30, 2013, the superintendent of public instruction shall begin presenting~~  
 16 ~~longitudinal data on academic achievement and shall develop plans for a measurement of growth for the~~  
 17 ~~statewide student assessment required by the board of public education."~~

18

19 **Section 10.** Section 20-7-105, MCA, is amended to read:

20 **"20-7-105. K-12 data task force.** (1) There is a K-12 data task force established by the office of  
 21 public instruction.

22 (2) The K-12 data task force is composed of:

23 (a) The presiding officer and vice presiding officer of the senate and house standing committees  
 24 on education and the presiding officer and vice presiding officer of the joint subcommittee for education that  
 25 deals with appropriations or their designees;

26 (b) additional positions appointed by the majority vote of the presiding officers and vice presiding  
 27 officers referred to in subsection (2)(a), as follows:

28 (i) three elected school board trustees consisting of one each from a class 1, class 2, and class 3

1 school district;

2 (ii) three school administrators consisting of one each employed by a class 1, class 2, and class 3

3 school district;

4 (iii) three teachers consisting of one each employed by a class 1, class 2, and class 3 school

5 district;

6 (iv) three technology staff consisting of one each employed by a class 1, class 2, and class 3

7 school district;

8 (v) six parents, consisting of one parent of an elementary pupil currently enrolled in each of a class

9 1, class 2, and class 3 school district and one parent of a high school pupil currently enrolled in each of a class

10 1, class 2, and class 3 school district; and

11 (vi) three school district clerks, as provided in 20-3-325, consisting of one each employed by a

12 class 1, class 2, and class 3 school district.

13 (3) The K-12 data task force shall serve in an advisory capacity to the office of public instruction.

14 The task force shall:

15 (a) review, monitor, and provide input and guidance in enhancing the statewide K-12 data system  
16 pursuant to 20-7-104-; and

17 (b) review, monitor, and provide input and guidance to ensure confidentiality and data privacy in  
18 the statewide K-12 data system pursuant to [sections 1 through 7].

19 (4) Unless otherwise provided by law, each member is entitled to be paid \$50 for each day in  
20 which the member is engaged in the performance of duties under this section and is also entitled to be  
21 reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the  
22 performance of task force duties. Members who are full-time salaried officers or employees of this state or of a  
23 political subdivision of this state are not entitled to be compensated for their service as members except when  
24 they perform their task force duties outside their regular working hours or during hours charged against their  
25 leave time, but those members are entitled to be reimbursed for travel expenses as provided for in 2-18-501  
26 through 2-18-503."

27

28 NEW SECTION. **Section 11. Codification instruction.** [Sections 1 through 7] are intended to be

1 codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply  
2 to [sections 1 through 7].

3 - END -