

HOUSE BILL NO. 501

INTRODUCED BY D. LAMM

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING OWNERSHIP OF STUDENT DATA; PROHIBITING SCHOOL DISTRICTS FROM COLLECTING CERTAIN INFORMATION WITHOUT PRIOR WRITTEN CONSENT FROM THE STUDENT OR THE STUDENT'S PARENT; REQUIRING SCHOOL DISTRICTS TO IDENTIFY THE INFORMATION, LEGAL AUTHORITY, AND PURPOSE FOR COLLECTING INFORMATION; REQUIRING SCHOOL DISTRICTS TO REMOVE PERSONALLY IDENTIFIABLE INFORMATION BEFORE REPORTING OR RELEASING DATA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Student information -- ownership -- consent required.** (1) Any data, facts, statistics, scores, observations, or other information created, collected, maintained, stored, or otherwise recorded about a student belongs to the student who is the subject of that information if the student is at least 18 years old or is under the age of 18 and is legally emancipated from the student's parents, or the parent of the student if the student is under the age of 18.

(2) Except as provided in this section, a school district is prohibited from collecting the following information:

(a) information or results from standardized testing or activity required by law, including academic, achievement, and annual tests, statewide performance assessments and assessments aligned to the common core state standards, and computer adaptive testing and assessments designed by the smarter balanced assessment consortium or the partnership for assessment of readiness for college and careers;

(b) information from standardized testing or an assessment used for school, student, or teacher accountability;

(c) information from a test, assessment, or survey not limited solely to proficiency in core academic subjects;

(d) information from a test, assessment, or survey used to measure a student's values, attitudes, or beliefs;

(e) noneducational information or information from a survey, analysis, or evaluation related to the



- 1 student, the student's parent, or another member of the student's family, including:
- 2 (i) political affiliation or belief;
- 3 (ii) mental or psychological problems;
- 4 (iii) sex behavior or attitudes;
- 5 (iv) illegal, antisocial, self-incriminating, or demeaning behavior;
- 6 (v) critical appraisals of other individuals with whom the student, the student's parent, or another member
- 7 of the student's family has close family relationships;
- 8 (vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, mental
- 9 health professionals, school counselors, and ministers;
- 10 (vii) religious practices, affiliations, or beliefs;
- 11 (viii) income;
- 12 (ix) biometric data, including fingerprints, retina and iris patterns, voiceprint, DNA sequence, facial
- 13 characteristics, handwriting, or other unique physical identifying traits; and
- 14 (x) psychometric data, including personality traits, attitudes, abilities, aptitude, social and emotional
- 15 development, tendencies, inclinations, interests, and motivations.
- 16 (3) Prior to collecting or otherwise recording any information identified in subsection (2) about a student,
- 17 the school district shall first obtain the written consent of:
- 18 (a) the student, if the student is 18 years of age or older or if the student is under 18 years of age and
- 19 is legally emancipated from the student's parents; or
- 20 (b) the biological parent, adoptive parent, or legal guardian of any other student.
- 21 (4) The school district must use a written consent form that identifies:
- 22 (a) the information that will be collected;
- 23 (b) the purpose for which the information is being collected;
- 24 (c) the intended recipient of the information and the name, address, and contact information for the
- 25 recipient; and
- 26 (d) the statutory or other legal authority that allows the district to collect the specified information.
- 27 (5) Information collected with consent pursuant to subsection (3) may not be released, shared, reported,
- 28 sold, or otherwise given to any other entity unless any personally identifiable information, including the unique
- 29 statewide student identifier, has been removed from the information and the collected information must be
- 30 aggregated prior to being released, shared, reported, or sold.

