

1 HOUSE BILL NO. 61

2 INTRODUCED BY D. BEDEY, B. MERCER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE SUPERINTENDENT OF PUBLIC INSTRUCTION
5 TO RELEASE PERSONALLY IDENTIFIABLE INFORMATION UNDER LIMITED CIRCUMSTANCES;
6 AMENDING SECTION 20-7-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 20-7-104, MCA, is amended to read:
11 **"20-7-104. Transparency and public availability of public school performance data -- reporting**
12 **-- availability for timely use to improve instruction.** (1) The office of public instruction's statewide data system
13 must, at a minimum:

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

23 (b) display a publicly available educational data profile for each school district that protects each
24 student's education records in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.
25 1232g, as amended, and its implementing regulations at 34 CFR, part 99.

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

- 28 (a) school district contact information and links to district websites, when available;
29 (b) state criterion-referenced testing results;
30 (c) program and course offerings;

- 1 (d) student enrollment and demographics by grade level; and
2 (e) graduation rates.
- 3 (3) Each school district shall annually report to the office of public instruction and publish and post on
4 the school district's internet website the following district data for the preceding school year:
- 5 (a) the number and type of employee positions, including administrators;
6 (b) for the current employee in each position:
7 (i) the total amount of compensation paid to the employee by the district. The total amount of
8 compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other income
9 from school-sanctioned extracurricular activities, including coaching and similar activities; and
10 (ii) the certification held by and required of the employee;
11 (c) the student-teacher ratio by grade;
12 (d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total cost
13 and cost per square foot; and
14 (ii) the amount of principal and interest paid on bonds;
15 (e) the total district expenditures per student;
16 (f) the total budget for all funds;
17 (g) the total number of students enrolled and the average daily attendance;
18 (h) the total amount spent by the district on extracurricular activities and the total number of students that
19 participated in extracurricular activities; and
20 (i) the number of students that entered the 9th grade in the school district but did not graduate from a
21 high school in that district and for which the school district did not receive a transfer request. For reporting
22 purposes, the students identified under this subsection (3)(i) are considered to have dropped out of school.
- 23 (4) Each school district shall also post on the school district's internet website a copy of every working
24 agreement the district has with any organized labor organization and the district's costs, if any, associated with
25 employee union representation, collective bargaining, and union grievance procedures and litigation resulting
26 from union employee grievances.
- 27 (5) If a school district does not have an internet website, the school district shall publish the information
28 required under subsections (2) and (3) in printed form and provide a copy of the information upon request at the
29 cost incurred by the school district for printing only.
- 30 (6) The superintendent of public instruction shall continually work in consultation with the K-12 data task

1 force provided for in 20-7-105 to analyze the best options for a statewide data system that will best enhance the
2 ability of school districts to use data for the purposes identified in this section. Emphasis must be placed on
3 developing or purchasing and customizing a statewide data system that promotes and preserves community
4 ownership and local control and that incorporates innovative technologies available in the marketplace that may
5 be in use and that are successfully working in other states. The office of public instruction and the K-12 data task
6 force shall collaborate to enhance the statewide data system to support:

7 (a) the needs of school districts in using data to improve instruction and student performance;

8 (b) the collection of data from schools through a process that provides for automated conversion of data
9 from systems already in use by school districts or the office of public instruction and that resolves the repetition
10 of data entry and redundancy of data requested that has been characteristic of the data system in the past and
11 that otherwise reduces the diversion of district staff time away from instruction and supervision;

12 (c) increased use of data from the centralized system by various functions within the office of public
13 instruction; and

14 (d) transparency in reporting to schools, school districts, communities, and the public.

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

17 (a) statewide student identifier;

18 (b) student-level enrollment data, including average daily attendance;

19 (c) student-level statewide assessment data;

20 (d) information on untested students;

21 (e) student-level graduation and dropout data;

22 (f) ability to match student-level K-12 and higher education data;

23 (g) a statewide data audit system;

24 (h) a system to track student achievement with a direct teacher-to-student match to help track, report,
25 and create opportunities for improved individual student performance;

26 (i) student-level course completion data, including transcripts, to assess career and college readiness;

27 and

28 (j) student-level ACT results, scholastic achievement test results, and advanced placement exam data.

29 (8) The superintendent of public instruction shall emphasize the creation of and distribution of individual
30 diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families

1 as they relate to education so that school districts may use the data to support timely academic intervention as
2 needed and to otherwise improve the academic achievement of the students of each school district.

3 (9) (a) In addition to the data privacy protections in subsection (1)(b) and except as provided in
4 subsection (9)(b), the superintendent of public instruction may provide personally identifiable information
5 gathered, maintained, and distributed pursuant to subsection (7) and any other personally identifiable data only
6 to the office of public instruction, the school district where the student is or has been enrolled, the parent, and the
7 student. ~~The~~ Except as provided in subsection (9)(b), the superintendent of public instruction may not share, sell,
8 or otherwise release personally identifiable information to any for-profit business, nonprofit organization,
9 public-private partnership, governmental unit, or other entity unless the student's parent has provided written
10 consent specifying the data to be released, the reason for the release, and the recipient to whom the data may
11 be released.

12 (b) If the superintendent of public instruction offers a statewide assessment that also serves as a college
13 entrance exam, A STUDENT'S personally identifiable information may be released WITH THE CONSENT OF THE
14 STUDENT to accredited postsecondary education institutions, testing agencies under contract with a state entity
15 to provide a college entrance exam to students, or scholarship organizations. A SCHOLARSHIP ORGANIZATION MAY
16 USE INFORMATION RELEASED UNDER THIS SUBSECTION (9)(B) ONLY FOR THE PURPOSE OF SCHOLARSHIP OPPORTUNITIES.
17 The legislature intends that the release of information pursuant to this subsection (9)(b) is for the sole purpose
18 of increasing access to higher education opportunities for students.

19 (10) On or before June 30, 2013, the superintendent of public instruction shall begin presenting
20 longitudinal data on academic achievement and shall develop plans for a measurement of growth for the
21 statewide student assessment required by the board of public education."
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23 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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