

HOUSE BILL NO. 367

INTRODUCED BY B. MERCER, D. BEDEY, L. JONES, B. KEENAN, J. ESP, S. FITZPATRICK, D. SALOMON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ADDITIONAL RESTRICTIONS FOR APPROPRIATIONS FOR THE OFFICE OF PUBLIC INSTRUCTION DATABASE MODERNIZATION; AMENDING SECTION 22(2)(E), CHAPTER 401, LAWS OF 2021, AND SECTION 5(2)(G), CHAPTER 551, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 22(2)(e), Chapter 401, Laws of 2021, is amended to read:

"Section 26 22. Appropriations to office of public instruction and office of budget and program planning.

(e) For OPI Database Modernization, funds must be used by the office of public instruction to repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. THE EXEMPTION GRANTED TO THE OFFICE OF PUBLIC INSTRUCTION IN 2-17-516 DOES NOT APPLY TO THIS SUBSECTION.

Actions taken must be consistent with 20-7-104 and must:

(i) facilitate ~~school district~~ use of data BY SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND THE MONTANA UNIVERSITY SYSTEM to ~~drive~~ IMPROVE individual student ACADEMIC outcomes AND PERIODICALLY EVALUATE STUDENT ACADEMIC PERFORMANCE;

(ii) facilitate secure data sharing between school districts and the office of public instruction;

(iii) facilitate secure sharing of data between state agencies using the platform implemented by the department of administration, including the sharing of data with, but not limited to, the office of public instruction, the Montana university system, the office of the commissioner of higher education, and the department of labor and industry;

(iv) allow and require review and approval of specifications and procurement methods by the department of administration;

(v) allow and require final contract review and approval by the department of administration,

1 including contract amendments and other changes in scope or cost;
2 (vi) fit seamlessly into the department of administration's information technology infrastructure
3 COMPLY WITH THE MONTANA PROCUREMENT ACT FOR THE PROCUREMENT TO SELECT A VENDOR AS THE STATED
4 PURPOSE OF THAT ACT IS TO PROVIDE FOR INCREASED PUBLIC CONFIDENCE IN THE PROCEDURES FOLLOWED IN PUBLIC
5 PROCUREMENT, TO ENSURE THE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO DEAL WITH THE PROCUREMENT
6 SYSTEM OF THE STATE, AND TO PROVIDE SAFEGUARDS FOR THE MAINTENANCE OF A PROCUREMENT SYSTEM OF QUALITY
7 AND INTEGRITY;
8 (vii) consist of off-the-shelf solutions or platform-as-a-service models, or both, with a proven track
9 record; ENSURE THAT THE SUCCESSFUL OFFEROR HAS EXPERIENCE AND PROVEN PERFORMANCE IN THE
10 IMPLEMENTATION OF A DATA PLATFORM FOR THE SECURE STORAGE AND SHARING OF INFORMATION IN TWO OR MORE
11 STATES THAT FACILITATES:
12 (A) SCHOOL DISTRICT USE OF DATA TO IMPROVE INDIVIDUAL STUDENT ACADEMIC OUTCOMES AND TO
13 PERIODICALLY EVALUATE STUDENT ACADEMIC PERFORMANCE;
14 (B) SHARING OF DATA BETWEEN SCHOOL DISTRICTS AND STATE EDUCATION OFFICIALS; AND
15 (C) SHARING OF DATA BETWEEN STATE EDUCATION OFFICIALS AND OTHER STATE OFFICIALS, INCLUDING
16 HIGHER EDUCATION OFFICIALS AND OTHER STATE AGENCIES; and
17 (viii) ENSURE THAT A SUCCESSFUL OFFEROR IDENTIFIES HOW THE VENDOR'S PROPOSED SOLUTION IS
18 SUBSTANTIALLY SIMILAR TO A PROJECT THAT HAS BEEN INSTALLED IN TWO OR MORE STATES AND THE PERIOD OF TIME IT
19 HAS BEEN USED IN THOSE STATES; AND
20 (ix) include a well-defined maintenance agreement."

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22 **Section 2.** Section 5(2)(g), Chapter 551, Laws of 2021, is amended to read:

23 **"Section 5. ~~Appropriations~~ APPROPRIATION -- authorization to spend federal money.**

24 (g) For OPI Database Modernization, funds must be used by the office of public instruction to
25 repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. THE
26 EXEMPTION GRANTED TO THE OFFICE OF PUBLIC INSTRUCTION IN 2-17-516 DOES NOT APPLY TO THIS SUBSECTION.
27 Actions taken must be consistent with the provisions of 20-7-104 and must:

28 (i) facilitate school district use of data BY SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND THE

1 MONTANA UNIVERSITY SYSTEM to ~~drive~~ IMPROVE individual student ACADEMIC outcomes AND PERIODICALLY
2 EVALUATE STUDENT ACADEMIC PERFORMANCE;

3 (ii) facilitate secure data sharing between school districts and the office of public instruction;
4 (iii) facilitate secure sharing of data between state agencies using the platform implemented by the
5 department of administration, including the sharing of data with, but not limited to, the office of public
6 instruction, the Montana university system, the office of the commissioner of higher education, and the
7 department of labor and industry;

8 (iv) allow and require review and approval of specifications and procurement methods by the
9 department of administration;

10 (v) allow and require final contract review and approval by the department of administration,
11 including contract amendments and other changes in scope or cost;

12 (vi) ~~fit seamlessly into the department of administration's information technology infrastructure~~
13 COMPLY WITH THE MONTANA PROCUREMENT ACT FOR THE PROCUREMENT TO SELECT A VENDOR AS THE STATED
14 PURPOSE OF THAT ACT IS TO PROVIDE FOR INCREASED PUBLIC CONFIDENCE IN THE PROCEDURES FOLLOWED IN PUBLIC
15 PROCUREMENT, TO ENSURE THE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO DEAL WITH THE PROCUREMENT
16 SYSTEM OF THE STATE, AND TO PROVIDE SAFEGUARDS FOR THE MAINTENANCE OF A PROCUREMENT SYSTEM OF QUALITY
17 AND INTEGRITY;

18 (vii) ~~consist of off the shelf solutions or platform as a service models, or both, with a proven track~~
19 ~~record~~ ENSURE THAT THE SUCCESSFUL OFFEROR HAS EXPERIENCE AND PROVEN PERFORMANCE IN THE
20 IMPLEMENTATION OF A DATA PLATFORM FOR THE SECURE STORAGE AND SHARING OF INFORMATION IN TWO OR MORE
21 STATES THAT FACILITATES:

22 (A) SCHOOL DISTRICT USE OF DATA TO IMPROVE INDIVIDUAL STUDENT ACADEMIC OUTCOMES AND TO
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24 (B) SHARING OF DATA BETWEEN SCHOOL DISTRICTS AND STATE EDUCATION OFFICIALS; AND
25 (C) SHARING OF DATA BETWEEN STATE EDUCATION OFFICIALS AND OTHER STATE OFFICIALS, INCLUDING
26 HIGHER EDUCATION OFFICIALS AND OTHER STATE AGENCIES; and

27 (viii) ENSURE THAT A SUCCESSFUL OFFEROR IDENTIFIES HOW THE VENDOR'S PROPOSED SOLUTION IS
28 SUBSTANTIALLY SIMILAR TO A PROJECT THAT HAS BEEN INSTALLED IN TWO OR MORE STATES AND THE PERIOD OF TIME IT

1 HAS BEEN USED IN THOSE STATES; AND

2 (ix) include a well-defined maintenance agreement."

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4 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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