

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Salomon - (S) Education and Cultural Resources

- 2023

68th Legislature 2023

Drafter: Pad McCracken, 406-444-3595

HB0949.002.001

1 HOUSE BILL NO. 949
2 INTRODUCED BY D. BEDEY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DATA
5 GOVERNANCE; PROVIDING LEGISLATIVE FINDINGS AND A PURPOSE; PROVIDING DEFINITIONS;
6 ESTABLISHING THE EDUCATION AND WORKFORCE DATA GOVERNING BOARD; PROVIDING DUTIES
7 FOR THE BOARD; ESTABLISHING REPORTING REQUIREMENTS; MODIFYING THE REQUIREMENTS OF
8 THE STATEWIDE K-12 DATA SYSTEM AND THE REQUIREMENTS FOR INFORMATION POSTED BY
9 SCHOOL DISTRICTS; PROVIDING AN APPROPRIATION; AMENDING SECTION 20-7-104, MCA; AND
10 PROVIDING AN EFFECTIVE DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13

14 NEW SECTION. **Section 1. Legislative findings -- purpose.** (1) The legislature finds that:

15 (a) the utilization of education and workforce data holds great promise for developing the full
16 educational potential of Montanans and in maximizing the effectiveness of state investments in education and
17 workforce systems; and

18 (b) a systems approach with shared governance between relevant agencies is the best way to
19 utilize education and workforce data while ensuring that the data is only used for appropriate purposes and in
20 compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its
21 implementing regulations at 34 CFR, part 99, and all other relevant federal and state privacy laws, and any
22 other privacy measures required by the education and workforce data governing board.

23 (2) The purpose of [sections 1 through 3] is to create a strong and transparent education and
24 workforce data governing board with authority over the linkage of education and workforce data gathered and
25 maintained by state agencies to ensure that the data is used to benefit the people of the state in a secure
26 manner and only for appropriate purposes.
27

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1 (7) In accordance with [sections 1 through 3] and except as otherwise provided and explicitly
2 directed in state law, the superintendent of public instruction may not share or restrict the sharing of student
3 educational records beyond what is allowed or restricted under the Family Educational Rights and Privacy Act
4 of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99."

5
6 **NEW SECTION. Section 5. Appropriation.** (1) There is appropriated \$100,000 from the general fund
7 to the department of administration for each year of the biennium beginning July 1, 2023, for the purposes of
8 [sections 1 through 3].

9 (2) The legislature intends that the appropriation in this section be considered part of the ongoing
10 base for the next legislative session.

11
12 **NEW SECTION. Section 6. Transition.** Data sharing agreements between the office of public
13 instruction, the department of labor and industry, and the commissioner of higher education made under the
14 authority of 20-7-104(9) prior to [the effective date of this act] remain in effect until the earlier of the expiration
15 date of the agreement or the adoption by the education and workforce data governing board of policies
16 governing the linkage and sharing of education and workforce data relevant to the agreement. The legislature
17 intends that the policies of the education and workforce data governing board replace the need for ad hoc data
18 sharing agreements to the greatest extent possible.

19
20 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 3] are intended to be
21 codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply
22 to [sections 1 through 3].

23
24 **COORDINATION SECTION. Section 8. Coordination instruction.** If both Senate Bill No. 480 and
25 [this act] are passed and approved and both contain a section amending 20-7-104, then Senate Bill No. 480 is
26 void.

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