

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
28 NEW SECTION. **Section 2. Definitions.** As used in this part, the following definitions apply:

1 and the department of labor and industry for the sole purpose of research directed at ensuring that Montana's
2 K-12 education system meets the expectations of the Montana university system and the workforce needs of
3 the state. The superintendent shall determine the necessity of research requests from the commissioner and
4 the department of labor and industry and may only release student level information after entering agreements
5 with the commissioner and the department to ensure student privacy. An agreement under this subsection
6 (9)(b) must:

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

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

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

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

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

24

25 **NEW SECTION. Section 5. Appropriation.** (1) There is appropriated ~~\$100,000~~ \$50,000 from the
26 general fund to the department of administration for each year of the biennium beginning July 1, 2023, for the
27 purposes of [sections 1 through 3].

28 (2) The legislature intends that the appropriation in this section be considered part of the ongoing

1 base for the next legislative session.

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

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

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15 COORDINATION SECTION. SECTION 8. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 480
16 AND [THIS ACT] ARE PASSED AND APPROVED AND BOTH CONTAIN A SECTION AMENDING 20-7-104, THEN SENATE BILL
17 NO. 480 IS VOID.

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19 NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2023.

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