

1 SENATE BILL NO. 480

2 INTRODUCED BY M. DUNWELL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO STUDENT DATA TO INCREASE
5 AWARENESS OF AND ACCESS TO POSTSECONDARY OPPORTUNITIES FOR STUDENTS; REMOVING
6 THE REQUIREMENT THAT STUDENTS OPT IN TO SHARING INFORMATION WITH POSTSECONDARY
7 INSTITUTIONS AND SCHOLARSHIP ORGANIZATIONS AS PART OF STATEWIDE ASSESSMENTS THAT
8 ARE ALSO USED FOR COLLEGE ENTRANCE EXAMINATIONS; ALIGNING STATUTE WITH
9 REQUIREMENTS OF THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT; AND AMENDING SECTION
10 20-7-104, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 20-7-104, MCA, is amended to read:

15 **"20-7-104. Transparency and public availability of public school performance data -- reporting -**
16 **- availability for timely use to improve instruction.** (1) The office of public instruction's statewide data
17 system must, at a minimum:

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

28 (b) display a publicly available educational data profile for each school district that protects each

1 student's education records in compliance with the Family Educational Rights and Privacy Act of 1974, 20
2 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.

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

5 (a) school district contact information and links to district websites, when available;

6 (b) state criterion-referenced testing results;

7 (c) program and course offerings;

8 (d) student enrollment and demographics by grade level; and

9 (e) graduation rates.

10 (3) Each school district shall annually report to the office of public instruction and publish and post
11 on the school district's internet website the following district data for the preceding school year:

12 (a) the number and type of employee positions, including administrators;

13 (b) for the current employee in each position:

14 (i) the total amount of compensation paid to the employee by the district. The total amount of
15 compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other
16 income from school-sanctioned extracurricular activities, including coaching and similar activities.

17 (ii) the certification held by and required of the employee;

18 (c) the student-teacher ratio by grade;

19 (d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total
20 cost and cost per square foot; and

21 (ii) the amount of principal and interest paid on bonds;

22 (e) the total district expenditures per student;

23 (f) the total budget for all funds;

24 (g) the total number of students enrolled and the average daily attendance;

25 (h) the total amount spent by the district on extracurricular activities and the total number of
26 students that participated in extracurricular activities; and

27 (i) the number of students that entered the 9th grade in the school district but did not graduate
28 from a high school in that district and for which the school district did not receive a transfer request. For

1 reporting purposes, the students identified under this subsection (3)(i) are considered to have dropped out of
2 school.

3 (4) Each school district shall also post on the school district's internet website a copy of every
4 working agreement the district has with any organized labor organization and the district's costs, if any,
5 associated with employee union representation, collective bargaining, and union grievance procedures and
6 litigation resulting from union employee grievances.

7 (5) If a school district does not have an internet website, the school district shall publish the
8 information required under subsections (2) and (3) in printed form and provide a copy of the information upon
9 request at the cost incurred by the school district for printing only.

10 (6) The superintendent of public instruction shall continually work in consultation with the K-12
11 data task force provided for in 20-7-105 to analyze the best options for a statewide data system that will best
12 enhance the ability of school districts to use data for the purposes identified in this section. Emphasis must be
13 placed on developing or purchasing and customizing a statewide data system that promotes and preserves
14 community ownership and local control and that incorporates innovative technologies available in the
15 marketplace that may be in use and that are successfully working in other states. The office of public instruction
16 and the K-12 data task force shall collaborate to enhance the statewide data system to support:

- 17 (a) the needs of school districts in using data to improve instruction and student performance;
- 18 (b) the collection of data from schools through a process that provides for automated conversion of
19 data from systems already in use by school districts or the office of public instruction and that resolves the
20 repetition of data entry and redundancy of data requested that has been characteristic of the data system in the
21 past and that otherwise reduces the diversion of district staff time away from instruction and supervision;
- 22 (c) increased use of data from the centralized system by various functions within the office of
23 public instruction; and
- 24 (d) transparency in reporting to schools, school districts, communities, and the public.

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

- 27 (a) statewide student identifier;
- 28 (b) student-level enrollment data, including average daily attendance;

- 1 (c) student-level statewide assessment data;
- 2 (d) information on untested students;
- 3 (e) student-level graduation and dropout data;
- 4 (f) ability to match student-level K-12 data with higher education and workforce data;
- 5 (g) a statewide data audit system;
- 6 (h) a system to track student achievement with a direct teacher-to-student match to help track,
- 7 report, and create opportunities for improved individual student performance;
- 8 (i) student-level course completion data, including transcripts, to assess career and college
- 9 readiness; and
- 10 (j) student-level ACT results, scholastic achievement test results, and advanced placement exam
- 11 data.

12 (8) The superintendent of public instruction shall emphasize the creation of and distribution of

13 individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students

14 and families as they relate to education so that school districts may use the data to support timely academic

15 intervention as needed and to otherwise improve the academic achievement of the students of each school

16 district.

17 (9) (a) In addition to the data privacy protections in subsection (1)(b) and except as provided in

18 subsections (9)(b) and (9)(c), the superintendent of public instruction may provide personally identifiable

19 information gathered, maintained, and distributed pursuant to subsection (7) and any other personally

20 identifiable data only to the office of public instruction, the school district where the student is or has been

21 enrolled, the parent, and the student. Except as provided in subsections (9)(b) and (9)(c), the superintendent of

22 public instruction may not share, sell, or otherwise release personally identifiable information to any for-profit

23 business, nonprofit organization, public-private partnership, governmental unit, or other entity unless the

24 student's parent has provided written consent specifying the data to be released, the reason for the release,

25 and the recipient to whom the data may be released.

26 (b) The superintendent may release student-level information to the commissioner of higher

27 education and the department of labor and industry for the sole purpose of research directed at ensuring that

28 Montana's K-12 education system meets the expectations of the Montana university system and the workforce

1 needs of the state. The superintendent shall determine the necessity of research requests from the
2 commissioner and the department of labor and industry and may only release student-level information after
3 entering agreements with the commissioner and the department to ensure student privacy. An agreement
4 under this subsection (9)(b) must:

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

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

8 (c) If the superintendent of public instruction offers a statewide assessment that also serves as a
9 college entrance exam, a student's personally identifiable information may be released ~~with the consent of the~~
10 ~~student~~ to accredited postsecondary education institutions, testing agencies under contract with a state entity to
11 provide a college entrance exam to students, or scholarship organizations, UNLESS THE STUDENT'S PARENT
12 ELECTS NOT TO HAVE THE INFORMATION SHARED. A scholarship organization may use information released under
13 this subsection (9)(c) only for the purpose of scholarship opportunities. The legislature intends that the release
14 of information pursuant to this subsection (9)(c) is for the sole purpose of increasing awareness of and access
15 ~~to higher education~~ postsecondary opportunities for students.

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

19 - END -