

1 HOUSE BILL NO. 367  
2 INTRODUCED BY B. MERCER, D. BEDEY, L. JONES, B. KEENAN, J. ESP, S. FITZPATRICK, D. SALOMON

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

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

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

12 "Section 2622. Appropriations to office of public instruction and office of budget and program  
13 planning.

14 (e) For OPI Database Modernization, funds must be used by the office of public instruction to  
15 repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic. The  
16 exemption granted to the office of public instruction in 2-17-516 does not apply to this subsection. Actions  
17 taken must be consistent with 20-7-104 and must:

18 (i) facilitate ~~school district~~ use of data by school districts, community colleges, and the Montana  
19 university system to drive-improve individual student academic outcomes and periodically evaluate student  
20 academic performance;

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

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

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

28 (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 purpose of that  
4 act is to provide for increased public confidence in the procedures followed in public procurement, to ensure the  
5 fair and equitable treatment of all persons who deal with the procurement system of the state, and to provide  
6 safeguards for the maintenance of a procurement system of quality and integrity;

7 (vii) consist of off-the-shelf solutions or platform-as-a-service models, or both, with a proven track  
8 record; ensure that the successful offeror has experience and proven performance in the implementation of a  
9 data platform for the secure storage and sharing of information in two or more states that facilitates:

10 (A) school district use of data to improve individual student academic outcomes and to periodically  
11 evaluate student academic performance;

12 (B) sharing of data between school districts and state education officials; and

13 (C) sharing of data between state education officials and other state officials, including higher  
14 education officials and other state agencies; and

15 (viii) ensure that a successful offeror identifies how the vendor's proposed solution is substantially  
16 similar to a project that has been installed in two or more states and the period of time it has been used in those  
17 states; and

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

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

21 **"Section 5. Appropriations Appropriation -- authorization to spend federal money.**

22 (g) For OPI Database Modernization, funds must be used by the office of public instruction to  
23 repair, improve, or replace existing data systems to respond to learning loss associated with the pandemic.

24 The exemption granted to the office of public instruction in 2-17-516 does not apply to this subsection. Actions  
25 taken must be consistent with the provisions of 20-7-104 and must:

26 (i) facilitate ~~school district~~ use of data by school districts, community colleges, and the Montana  
27 university system to ~~drive-improve~~ individual student academic outcomes and periodically evaluate student  
28 academic performance;

**Amendment - 1st Reading-white - Requested by: Bill Mercer - (H) Appropriations**

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0367.001.002

- 1           (ii) facilitate secure data sharing between school districts and the office of public instruction;
- 2           (iii) facilitate secure sharing of data between state agencies using the platform implemented by the
- 3 department of administration, including the sharing of data with, but not limited to, the office of public
- 4 instruction, the Montana university system, the office of the commissioner of higher education, and the
- 5 department of labor and industry;
- 6           (iv) allow and require review and approval of specifications and procurement methods by the
- 7 department of administration;
- 8           (v) allow and require final contract review and approval by the department of administration,
- 9 including contract amendments and other changes in scope or cost;
- 10          (vi) fit seamlessly into the department of administration's information technology infrastructure
- 11 comply with the Montana Procurement Act for the procurement to select a vendor as the stated purpose of that
- 12 act is to provide for increased public confidence in the procedures followed in public procurement, to ensure the
- 13 fair and equitable treatment of all persons who deal with the procurement system of the state, and to provide
- 14 safeguards for the maintenance of a procurement system of quality and integrity;
- 15          (vii) consist of off-the-shelf solutions or platform-as-a-service models, or both, with a proven track
- 16 record ensure that the successful offeror has experience and proven performance in the implementation of a
- 17 data platform for the secure storage and sharing of information in two or more states that facilitates:
- 18           (A) school district use of data to improve individual student academic outcomes and to periodically
- 19 evaluate student academic performance;
- 20           (B) sharing of data between school districts and state education officials; and
- 21           (C) sharing of data between state education officials and other state officials, including higher
- 22 education officials and other state agencies; and
- 23          (viii) ensure that a successful offeror identifies how the vendor's proposed solution is substantially
- 24 similar to a project that has been installed in two or more states and the period of time it has been used in those
- 25 states; and
- 26          (ix) include a well-defined maintenance agreement."

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

**Amendment - 1st Reading-white - Requested by: Bill Mercer - (H) Appropriations**

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- END -

AMEND