

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

3
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; ESTABLISHING REPORTING REQUIREMENTS ON PROJECT PROGRESS; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

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

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

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

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

27 (iv) allow and require review and approval of specifications and procurement methods by the

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1 department of administration:

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

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

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

14 (A) SCHOOL DISTRICT USE OF DATA TO IMPROVE INDIVIDUAL STUDENT ACADEMIC OUTCOMES AND TO
15 PERIODICALLY EVALUATE STUDENT ACADEMIC PERFORMANCE;

16 (B) SHARING OF DATA BETWEEN SCHOOL DISTRICTS AND STATE EDUCATION OFFICIALS; AND

17 (C) SHARING OF DATA BETWEEN STATE EDUCATION OFFICIALS AND OTHER STATE OFFICIALS, INCLUDING
18 HIGHER EDUCATION OFFICIALS AND OTHER STATE AGENCIES; and

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

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

23

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

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

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

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- 1 EXEMPTION GRANTED TO THE OFFICE OF PUBLIC INSTRUCTION IN 2-17-516 DOES NOT APPLY TO THIS SUBSECTION.
- 2 Actions taken must be consistent with the provisions of 20-7-104 and must:
- 3 (i) facilitate ~~school district~~ use of data BY SCHOOL DISTRICTS, COMMUNITY COLLEGES, AND THE
- 4 MONTANA UNIVERSITY SYSTEM to ~~drive~~ IMPROVE individual student ACADEMIC outcomes AND PERIODICALLY
- 5 EVALUATE STUDENT ACADEMIC PERFORMANCE;
- 6 (ii) facilitate secure data sharing between school districts and the office of public instruction;
- 7 (iii) facilitate secure sharing of data between state agencies using the platform implemented by the
- 8 department of administration, including the sharing of data with, but not limited to, the office of public
- 9 instruction, the Montana university system, the office of the commissioner of higher education, and the
- 10 department of labor and industry;
- 11 (iv) allow and require review and approval of specifications and procurement methods by the
- 12 department of administration;
- 13 (v) allow and require final contract review and approval by the department of administration,
- 14 including contract amendments and other changes in scope or cost;
- 15 (vi) fit seamlessly into the department of administration's information technology infrastructure
- 16 COMPLY WITH THE MONTANA PROCUREMENT ACT FOR THE PROCUREMENT TO SELECT A VENDOR AS THE STATED
- 17 PURPOSE OF THAT ACT IS TO PROVIDE FOR INCREASED PUBLIC CONFIDENCE IN THE PROCEDURES FOLLOWED IN PUBLIC
- 18 PROCUREMENT, TO ENSURE THE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO DEAL WITH THE PROCUREMENT
- 19 SYSTEM OF THE STATE, AND TO PROVIDE SAFEGUARDS FOR THE MAINTENANCE OF A PROCUREMENT SYSTEM OF QUALITY
- 20 AND INTEGRITY;
- 21 (vii) consist of ~~off-the-shelf solutions or platform-as-a-service models, or both, with a proven track~~
- 22 record ENSURE THAT THE SUCCESSFUL OFFEROR HAS EXPERIENCE AND PROVEN PERFORMANCE IN THE
- 23 IMPLEMENTATION OF A DATA PLATFORM FOR THE SECURE STORAGE AND SHARING OF INFORMATION IN TWO OR MORE
- 24 STATES THAT FACILITATES:
- 25 (A) SCHOOL DISTRICT USE OF DATA TO IMPROVE INDIVIDUAL STUDENT ACADEMIC OUTCOMES AND TO
- 26 PERIODICALLY EVALUATE STUDENT ACADEMIC PERFORMANCE;
- 27 (B) SHARING OF DATA BETWEEN SCHOOL DISTRICTS AND STATE EDUCATION OFFICIALS; AND

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1 (C) SHARING OF DATA BETWEEN STATE EDUCATION OFFICIALS AND OTHER STATE OFFICIALS, INCLUDING
2 HIGHER EDUCATION OFFICIALS AND OTHER STATE AGENCIES; and
3 (viii) ENSURE THAT A SUCCESSFUL OFFEROR IDENTIFIES HOW THE VENDOR'S PROPOSED SOLUTION IS
4 SUBSTANTIALLY SIMILAR TO A PROJECT THAT HAS BEEN INSTALLED IN TWO OR MORE STATES AND THE PERIOD OF TIME IT
5 HAS BEEN USED IN THOSE STATES; AND
6 (ix) include a well-defined maintenance agreement."

8 **NEW SECTION. Section 3. Reporting requirements.** (1) Within 30 days of [the effective date of this
9 act], and every month thereafter, the department of administration and the office of public instruction shall
10 provide a written report to the committees listed in subsection (3) on the status of the procurement process for
11 the database modernization project. The report must include information on the potential vendor and the status
12 of the request for proposal process.

13 (2) After the procurement process is complete and a vendor has been selected, the office of public
14 instruction shall continue to provide written reports to the committees listed in subsection (3) on the status of
15 the following every 2 months:

- 16 (a) the incurred and anticipated costs of the project;
- 17 (b) the implementation timeline; and
- 18 (c) any other information relevant to the project.

19 (3) The department of administration and the office of public instruction shall provide the reports
20 outlined in subsections (1) and (2) to the following committees:

- 21 (a) the legislative finance committee;
- 22 (b) the education interim committee;
- 23 (c) the general government budget committee provided for in 5-12-501; and
- 24 (d) the education budget committee provided for in 5-12-501.
- 25 (4) The reports must be delivered in an electronic format.

26
27 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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- END -

AMEND