

Amendment - 1st Reading/2nd House-blue - Requested by: Daniel Zolnikov - (H)
Appropriations

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0118.003.003

SENATE BILL NO. 118

INTRODUCED BY D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO EDUCATION DATA; ESTABLISHING THE RIGHT TO BE FORGOTTEN; ENHANCING STUDENT DATA PRIVACY PROTECTIONS IN THE STATEWIDE K-12 STUDENT DATA SYSTEM AND IN THE WORK OF THE EDUCATION AND WORKFORCE DATA GOVERNING BOARD; PROHIBITING THE DIRECT USE IN WHOLE OR IN PART OF A STUDENT'S SOCIAL SECURITY NUMBER ~~IN ANY~~ AS A DISTRIBUTED UNIQUE IDENTIFIER USED TO LINK EDUCATION AND WORKFORCE DATA; PROVIDING ADDITIONAL RESPONSIBILITIES OF THE EDUCATION AND WORKFORCE DATA GOVERNING BOARD, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND THE K-12 DATA TASK FORCE; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 20-7-104, 20-7-105, 20-7-136, 20-7-137, AND 20-7-138, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Right to be forgotten -- verifiable request -- timeline -- rulemaking.

(1) A student or parent may request that the ~~superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD ESTABLISHED IN 20-7-138 OFFICE OF PUBLIC INSTRUCTION delete any education data on the student collected and stored in the ~~statewide K-12 data system~~ PURSUANT TO THE BOARD'S AUTHORITY IN THE K-12 STUDENT DATA SYSTEM by submitting a verifiable request pursuant to subsection (4).

(2) Except as provided in subsection (3), on receipt of a verifiable request submitted pursuant to this section, the ~~superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD OFFICE OF PUBLIC INSTRUCTION shall delete or have deleted FROM THE K-12 STUDENT DATA SYSTEM ~~from the statewide K-12 data system~~ any education data on that student COLLECTED AND STORED IN THE K-12 STUDENT DATA SYSTEM ~~collected and stored in the statewide K-12 data system~~ within the time provided for in subsection (6).

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- 1 (f) develop and implement policies and procedures regarding data and research requests;
- 2 (g) develop and make available a model data-sharing agreement that allows for reciprocal sharing
- 3 of information between public schools, public, private, or tribal institutions of higher education, and state and
- 4 local workforce entities; and
- 5 (h) develop and implement policies:
- 6 (i) to ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.
- 7 1232g, as amended, and its implementing regulations at 34 CFR, part 99, and all other relevant federal and
- 8 state privacy laws;
- 9 (ii) to ensure compliance with the right to be forgotten pursuant to [section 1];
- 10 (iii) to prohibit the DIRECT use of a student's social security number in whole or in part as a unique
- 11 identifier by a contributing agency or a school district; and. THE POLICY MAY ALLOW THE USE OF A STUDENT'S
- 12 SOCIAL SECURITY NUMBER FOR THE PURPOSES OF GENERATING A MATCHING KEY TO LINK DATA.
- 13 ~~(ii)~~(iv) to provide for additional privacy protections determined to be necessary by the board.
- 14 (8) The board may form committees, work groups, or advisory councils to accomplish the board's
- 15 purposes.
- 16 (9) The board shall, in accordance with 5-11-210, report to the education interim committee and
- 17 the education interim budget committee on the board's work."
- 18

19 NEW SECTION. Section 8. Appropriation. There is appropriated \$25,000 from the general fund to

20 the office of public instruction for the biennium beginning July 1, 2025, for the purposes of implementing [this

21 act].

22

23 NEW SECTION. Section 9. Codification instruction -- directions to code commissioner.

24 [Sections 1 and 4] are intended to be codified as an integral part of Title 20, chapter 1, and the provisions of

25 Title 20, chapter 1, apply to [sections 1 and 4].

26 (2) Sections 20-7-103, 20-7-104, 20-7-105, 20-7-136, 20-7-137, and 20-7-138 are intended to be

27 renumbered and codified with [sections 1 and 4] as a new part in Title 20, chapter 1.