

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

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0118.003.001

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; 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 overseen by the education and workforce data governing board 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           (3)     The ~~superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD  
2     OFFICE OF PUBLIC INSTRUCTION is not required to comply with a verifiable request received under this section if  
3     the office of public instruction needs to retain the education data to:
- 4           (a)     comply with federal or state law for funding OR REPORTING purposes;  
5           (b)     perform a contract between another state agency or a third-party vendor; or  
6           (c)     comply with a court order or subpoena or any other lawful process.
- 7           (4)     (a) The ~~superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD  
8     OFFICE OF PUBLIC INSTRUCTION shall designate and make available to students and parents in a form that is  
9     reasonably accessible at least two methods for submitting a verifiable request for a student's education data to  
10    be deleted as provided in this section, including:
- 11           (i)     the office of public instruction's ~~AND THE BOARD'S~~ website through which the student or parent  
12    may submit the request;
- 13           (ii)    a mailing address;  
14           (iii)   an e-mail address; or  
15           (iv)   another internet webpage or portal.
- 16           (b)     The ~~superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD  
17    OFFICE OF PUBLIC INSTRUCTION may not require a student or parent to create an account ~~with the office of public~~  
18    ~~instruction~~ to submit a verifiable request.
- 19           (5)     (a) Upon receiving a verifiable request under this section, the ~~office of public instruction~~  
20    ~~EDUCATION AND WORKFORCE DATA GOVERNING BOARD~~ OFFICE OF PUBLIC INSTRUCTION shall promptly take steps to  
21    reasonably verify that:
- 22           (i)     the student who is the subject of the request is a student about whom the office of public  
23    instruction has collected education data; and
- 24           (ii)    the request is made by:
- 25           (A)     the student; or  
26           (B)     a parent or legal guardian on behalf of the student if the student is a minor.
- 27           (b)     The ~~office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD OFFICE OF

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1 PUBLIC INSTRUCTION may use any personal information collected from the student in connection with the  
2 verification of a request received under this section solely to verify the request.

3 (c) The ~~office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD OFFICE OF  
4 PUBLIC INSTRUCTION is not required to comply with the request if unable to verify a request received under this  
5 section.

6 (6) (a) Not later than 45 days after the date the ~~office of public instruction~~ EDUCATION AND  
7 WORKFORCE DATA GOVERNING BOARD OFFICE OF PUBLIC INSTRUCTION receives a verifiable request under this  
8 section, the ~~office of public instruction~~ BOARD OFFICE OF PUBLIC INSTRUCTION shall delete the student's education  
9 data FROM THE K-12 STUDENT DATA SYSTEM ~~from the statewide K-12 data system~~ and disclose free of charge to  
10 the student or parent the contents of the deleted education data.

11 (b) The ~~office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD OFFICE OF  
12 PUBLIC INSTRUCTION may extend the time in which to comply with subsection (6)(a) by an additional 45 days if  
13 reasonably necessary or by an additional 90 days after considering the number and complexity of verifiable  
14 requests received. The extension may be made only once. The ~~office of public instruction~~ BOARD OFFICE OF  
15 PUBLIC INSTRUCTION shall notify the student or parent of the extension and the reason for the delay within the  
16 period prescribed.

17 (7) The ~~office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD OFFICE OF  
18 PUBLIC INSTRUCTION shall:

19 (A) adopt rules ~~POLICIES PURSUANT TO THE BOARD'S AUTHORITY UNDER 20-7-138~~ RULES to implement  
20 the provisions of this section; AND

21 (B) REPORT ANNUALLY TO THE EDUCATION AND WORKFORCE DATA GOVERNING BOARD ON THE  
22 IMPLEMENTATION OF THIS SECTION, INCLUDING THE NUMBERS OF REQUESTS FOR AND DELETIONS OF EDUCATION DATA.

23

24 **Section 2.** Section 20-7-104, MCA, is amended to read:

25 **"20-7-104. Transparency and public availability of public school performance data -- reporting -**  
26 **- availability for timely use to improve instruction.** (1) The office of public instruction shall establish,  
27 maintain, and continually improve a statewide K-12 data system that, at a minimum: