

Amendment - 1st Reading-white - Requested by: Daniel Zolnikov - (S) Education and Cultural Resources

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0118.001.001

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 DATA SYSTEM AND IN THE WORK OF THE EDUCATION AND WORKFORCE DATA GOVERNING BOARD; PROHIBITING THE USE IN WHOLE OR IN PART OF A STUDENT'S SOCIAL SECURITY NUMBER IN ANY UNIQUE IDENTIFIER USED TO LINK EDUCATION AND WORKFORCE DATA; PROVIDING ADDITIONAL RESPONSIBILITIES OF 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 delete any education data on the student collected and stored in the statewide K-12 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 shall delete or have deleted from the statewide K-12 data system any education data on that student collected and stored in the statewide K-12 data system within the time provided for in subsection (6).

(3) The superintendent of public instruction is not required to comply with a verifiable request received under this section if the office of public instruction needs to retain the education data to:

(a) comply with federal ~~or state~~ law for funding purposes;

(b) perform a contract ~~between~~ with another state agency ~~or a third-party vendor~~; or

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1 (c) comply with a court order or subpoena or any other lawful process.

2 (4) (a) The superintendent of public instruction shall designate and make available to students and
3 parents in a form that is reasonably accessible at least two methods for submitting a verifiable request for a
4 student's education data to be deleted as provided in this section, including:

5 (i) the office of public instruction's website through which the student or parent may submit the
6 request;

7 (ii) a mailing address;

8 (iii) an e-mail address; or

9 (iv) another internet webpage or portal.

10 (b) The superintendent of public instruction may not require a student or parent to create an
11 account with the office of public instruction to submit a verifiable request.

12 (5) (a) Upon receiving a verifiable request under this section, the office of public instruction shall
13 promptly take steps to reasonably verify that:

14 (i) the student who is the subject of the request is a student about whom the office of public
15 instruction has collected education data; and

16 (ii) the request is made by:

17 (A) the student; or

18 (B) a parent or legal guardian on behalf of the student if the student is a minor.

19 (b) The office of public instruction may use any personal information collected from the student in
20 connection with the verification of a request received under this section solely to verify the request.

21 (c) The office of public instruction is not required to comply with the request if unable to verify a
22 request received under this section.

23 (6) (a) Not later than 45 days after the date the office of public instruction receives a verifiable
24 request under this section, the office of public instruction shall delete the student's education data from the
25 statewide K-12 data system and disclose free of charge to the student or parent the contents of the deleted
26 education data.

27 (b) The office of public instruction may extend the time in which to comply with subsection (6)(a) by

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1 an additional 45 days if reasonably necessary or by an additional 90 days after considering the number
2 and complexity of verifiable requests received. The extension may be made only once. The office of public
3 instruction shall notify the student or parent of the extension and the reason for the delay within the period
4 prescribed.

5 (7) The office of public instruction shall adopt rules to implement the provisions of this section.
6

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

8 **"20-7-104. Transparency and public availability of public school performance data -- reporting -**
9 **- availability for timely use to improve instruction.** (1) The office of public instruction shall establish,
10 maintain, and continually improve a statewide K-12 data system that, at a minimum:

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

21 (b) eliminates redundant data collections and siloed data systems and facilitates data sharing
22 among the various divisions within the office of public instruction;

23 (c) facilitates matching of student-level K-12 data with higher education and workforce data; and

24 (d) protects each student's education records in compliance with the Family Educational Rights
25 and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99,
26 and any applicable state laws exceeding those requirements, including the right to be forgotten pursuant to
27 [section 1], and ensures this routine and ongoing compliance through performance of regular compliance

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1 manner and only for appropriate purposes."

2

3 **Section 6.** Section 20-7-137, MCA, is amended to read:

4 **"20-7-137. Definitions.** As used in this part, the following definitions apply:

5 (1) "Board" means the education and workforce data governing board established in 20-7-138.

6 (2) "Contributing agencies" means the following state agencies that gather and maintain education
7 and workforce data, serve on the board, and are subject to the policies developed by the board pursuant to 20-
8 7-138:

9 (a) the office of public instruction;

10 (b) the office of the commissioner of higher education; and

11 (c) the department of labor and industry.

12 (3) "Deidentified data" means education data in which all information that identifies the parent or
13 the student, including a state-assigned student identifier, has been removed.

14 ~~(3)(4)~~ (a) "Education data" means data collected or reported at the student level that is included in a
15 student's ~~educational~~ education record, including but not limited to:

16 ~~(a)(i)~~ (i) career and college readiness indicators;

17 ~~(b)(ii)~~ (ii) state and national assessment data;

18 ~~(c)(iii)~~ (iii) course-taking and completion data in elementary, secondary, and postsecondary education;

19 ~~(d)(iv)~~ (iv) elementary, secondary, and postsecondary grade point average data;

20 ~~(e)(v)~~ (v) 4-year, 5-year, and 6-year high school graduation rate data;

21 ~~(f)(vi)~~ (vi) first to second year retainment data;

22 ~~(g)(vii)~~ (vii) certificate, diploma, and degree attainment data;

23 ~~(h)(viii)~~ (viii) college enrollment course-taking, credit, and contact hour accumulation data;

24 ~~(i)(ix)~~ (ix) attendance and transferability data;

25 ~~(j)(x)~~ (x) special education data;

26 ~~(k)(xi)~~ (xi) remediation data; and

27 ~~(l)(xii)~~ (xii) demographics data.

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(b) ~~Unless the following are included in the student's education record, the~~ The term does not include:

(i) juvenile delinquency records;

(ii) criminal records;

(iii) medical and health records;

(iv) social security numbers; or

(v) biometric information.

~~(4)~~(5) "Workforce data" means data related to an individual's workforce outcomes, including but not limited to, an individual's:

(a) labor and workforce training program participation and completion information data;

(b) wage information;

(c) unemployment claim eligibility information;

(d) employer information; and

(e) demographics data."

Section 7. Section 20-7-138, MCA, is amended to read:

"20-7-138. Education and workforce data governing board -- membership -- duties. (1) There is an education and workforce data governing board. The board is administratively attached to the department of administration as provided in 2-15-121.

(2) The board is comprised of five voting members:

(a) the director of the department of administration or the director's designee;

(b) the superintendent of public instruction or the superintendent's designee;

(c) the commissioner of higher education or the commissioner's designee;

(d) the commissioner of labor and industry or the commissioner's designee; and

(e) the presiding officer of the board of public education or the presiding officer's designee.

(3) The nonvoting members of the board are:

(a) the state chief information officer or the officer's designee;