

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 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).

(3) The ~~superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD office of public instruction is not required to comply with a verifiable request received under this section if the

1 office of public instruction needs to retain the education data to:

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

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

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

5 (4) (a) ~~The superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD

6 office of public instruction shall designate and make available to students and parents in a form that is

7 reasonably accessible at least two methods for submitting a verifiable request for a student's education data to

8 be deleted as provided in this section, including:

9 (i) the office of public instruction's ~~AND THE BOARD'S~~ website through which the student or parent
10 may submit the request;

11 (ii) a mailing address;

12 (iii) an e-mail address; or

13 (iv) another internet webpage or portal.

14 (b) ~~The superintendent of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD

15 office of public instruction may not require a student or parent to create an account ~~with the office of public~~
16 ~~instruction~~ to submit a verifiable request.

17 (5) (a) Upon receiving a verifiable request under this section, the ~~office of public instruction~~

18 EDUCATION AND WORKFORCE DATA GOVERNING BOARD office of public instruction shall promptly take steps to

19 reasonably verify that:

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

22 (ii) the request is made by:

23 (A) the student; or

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

25 (b) ~~The office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD office of

26 public instruction may use any personal information collected from the student in connection with the

27 verification of a request received under this section solely to verify the request.

28 (c) ~~The office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD office of

1 public instruction is not required to comply with the request if unable to verify a request received under this
2 section.

3 (6) (a) Not later than 45 days after the date the ~~office of public instruction~~ EDUCATION AND
4 WORKFORCE DATA GOVERNING BOARD ~~office of public instruction~~ receives a verifiable request under this section,
5 the ~~office of public instruction~~ BOARD ~~office of public instruction~~ shall delete the student's education data from
6 the K-12 student data system ~~from the statewide K-12 data system~~ and disclose free of charge to the student or
7 parent the contents of the deleted education data.

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

14 (7) The ~~office of public instruction~~ EDUCATION AND WORKFORCE DATA GOVERNING BOARD ~~office of~~
15 public instruction shall:

16 (a) adopt rules ~~POLICIES PURSUANT TO THE BOARD'S AUTHORITY UNDER 20-7-138~~ rules to implement
17 the provisions of this section; and

18 (b) report annually to the education and workforce data governing board on the implementation of
19 this section, including the numbers of requests for and deletions of education data.

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

22 **"20-7-104. Transparency and public availability of public school performance data -- reporting -**
23 **- availability for timely use to improve instruction.** (1) The office of public instruction shall establish,
24 maintain, and continually improve a statewide K-12 data system that, at a minimum:

25 (a) includes data entry and intuitive reporting options that school districts can use to make timely
26 decisions that improve instruction and impact student performance while creating a collaborative environment
27 for parents, teachers, and students to work together in improving student performance. Options that the office
28 of public instruction shall incorporate and make available for each school district must include data linkages to