

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

**** Bill No. ****

Introduced By *****

By Request of the *****

**** For discussion purposes by the STRC at its May 2018 meeting****

A Bill for an Act entitled: "An Act requiring the superintendent of public instruction to collect student directory photographs as part of the statewide data system; restricting the use or distribution of student directory photographs to law enforcement authorities only when a student is identified as a missing child; requiring the student directory photograph to be included with the missing child report; amending sections 20-7-104, 44-2-505, and 44-2-506, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-7-104, MCA, is amended to read:

"20-7-104. Transparency and public availability of public school performance data -- reporting -- availability for timely use to improve instruction. (1) The office of public instruction's statewide data system must, at a minimum:

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

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

for automated conversion of data from systems already in use by school districts or by the office of public instruction that allow districts to collect, manage, and present local classroom assessment scores, grades, attendance, and other data to assist in instructional intervention alongside the existing school accountability and statewide student achievement results. The office of public instruction shall ensure that the design of the system is enhanced to prioritize collaborative support of each student's needs by classroom educators, administrators, and parents.

(b) display a publicly available educational data profile for each school district that protects each student's education records in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99.

(2) Subject to subsection (1)(b), each school district's educational profile must include, at a minimum, the following elements:

(a) school district contact information and links to district websites, when available;

(b) state criterion-referenced testing results;

(c) program and course offerings;

(d) student enrollment and demographics by grade level; and

(e) graduation rates.

(3) Each school district shall annually report to the office of public instruction and publish and post on the school district's internet website the following district data for the

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

preceding school year:

(a) the number and type of employee positions, including administrators;

(b) for the current employee in each position:

(i) the total amount of compensation paid to the employee by the district. The total amount of compensation includes but is not limited to the employee's base wage or salary, overtime pay, and other income from school-sanctioned extracurricular activities, including coaching and similar activities; and

(ii) the certification held by and required of the employee;

(c) the student-teacher ratio by grade;

(d) (i) the amount, by category, spent by the district for operation and maintenance, stated in total cost and cost per square foot; and

(ii) the amount of principal and interest paid on bonds;

(e) the total district expenditures per student;

(f) the total budget for all funds;

(g) the total number of students enrolled and the average daily attendance;

(h) the total amount spent by the district on extracurricular activities and the total number of students that participated in extracurricular activities; and

(i) the number of students that entered the 9th grade in the school district but did not graduate from a high school in that district and for which the school district did not receive a transfer request. For reporting purposes, the students identified under this subsection (3)(i) are considered to have dropped out

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

of school.

(4) Each school district shall also post on the school district's internet website a copy of every working agreement the district has with any organized labor organization and the district's costs, if any, associated with employee union representation, collective bargaining, and union grievance procedures and litigation resulting from union employee grievances.

(5) If a school district does not have an internet website, the school district shall publish the information required under subsections (2) and (3) in printed form and provide a copy of the information upon request at the cost incurred by the school district for printing only.

(6) The superintendent of public instruction shall continually work in consultation with the K-12 data task force provided for in 20-7-105 to analyze the best options for a statewide data system that will best enhance the ability of school districts to use data for the purposes identified in this section. Emphasis must be placed on developing or purchasing and customizing a statewide data system that promotes and preserves community ownership and local control and that incorporates innovative technologies available in the marketplace that may be in use and that are successfully working in other states. The office of public instruction and the K-12 data task force shall collaborate to enhance the statewide data system to support:

(a) the needs of school districts in using data to improve instruction and student performance;

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

(b) the collection of data from schools through a process that provides for automated conversion of data from systems already in use by school districts or the office of public instruction and that resolves the repetition of data entry and redundancy of data requested that has been characteristic of the data system in the past and that otherwise reduces the diversion of district staff time away from instruction and supervision;

(c) increased use of data from the centralized system by various functions within the office of public instruction; and

(d) transparency in reporting to schools, school districts, communities, and the public.

(7)(a) The superintendent of public instruction shall gather, maintain, and distribute longitudinal, actionable data in the following areas:

~~(a)~~(i) statewide student identifier;

~~(b)~~(ii) student-level enrollment data, including average daily attendance;

~~(c)~~(iii) student-level statewide assessment data;

~~(d)~~(iv) information on untested students;

~~(e)~~(v) student-level graduation and dropout data;

~~(f)~~(vi) ability to match student-level K-12 and higher education data;

~~(g)~~(vii) a statewide data audit system;

~~(h)~~(viii) a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;

~~(i)~~(ix) student-level course completion data, including

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

transcripts, to assess career and college readiness; and

~~(j)~~(x) student-level ACT results, scholastic achievement test results, and advanced placement exam data.

(b) The superintendent of public instruction shall gather and maintain a directory photograph of individual students to be used only pursuant to subsection (10).

(8) The superintendent of public instruction shall emphasize the creation of and distribution of individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families as they relate to education so that school districts may use the data to support timely academic intervention as needed and to otherwise improve the academic achievement of the students of each school district.

(9) In addition to the data privacy protections in subsection (1)(b) and except as provided in subsection (10), the superintendent of public instruction may provide personally identifiable information gathered, maintained, and distributed pursuant to subsection (7) and any other personally identifiable data only to the office of public instruction, the school district where the student is or has been enrolled, the parent, and the student. The superintendent of public instruction may not share, sell, or otherwise release personally identifiable information to any for-profit business, nonprofit organization, public-private partnership, governmental unit, or other entity unless the student's parent has provided written consent specifying the data to be released, the reason for the release,

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

and the recipient to whom the data may be released.

(10) When a student is identified as a missing child pursuant to Title 44, chapter 2, part 5, the superintendent of public instruction shall provide the directory photograph specified in subsection (7)(b) to the appropriate law enforcement authority and shall include the photograph with the monthly list of missing Montana school children distributed pursuant to 44-2-506.

~~(10)~~(11) On or before June 30, 2013, the superintendent of public instruction shall begin presenting longitudinal data on academic achievement and shall develop plans for a measurement of growth for the statewide student assessment required by the board of public education."

{*Internal References to 20-7-104:*
x 20-7-103 x 20-7-105}

Section 2. Section 44-2-505, MCA, is amended to read:

"44-2-505. Duties of law enforcement authority. Whenever a parent, guardian, or legal custodian of a child files a report with a law enforcement authority that the child is missing, the law enforcement authority shall within 2 hours of the report:

- (1) inform all on-duty law enforcement officers of the existence of the missing child report;
- (2) communicate the report to all other law enforcement authorities having jurisdiction in the county; ~~and~~
- (3) enter the missing child report into the national crime information center computer system; and

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

(4) if the missing child is enrolled in a Montana public school district, request the child's most recent directory photograph from the superintendent of public instruction pursuant to 20-7-104(10) to be included with the missing child report."

{*Internal References to 44-2-505: None.*}

Section 3. Section 44-2-506, MCA, is amended to read:

"44-2-506. List of missing Montana school children. (1) The superintendent of public instruction shall assist the missing children information program provided for in 44-2-503 in identifying and locating missing children who are enrolled in Montana public school districts in kindergarten through grade 12 by:

(a) collecting each month a list of missing Montana school children as provided by the missing children information program provided for in 44-2-503;

(b) distributing the list of missing school children on a monthly basis, unless the list has no change from the previous month's information, to all school districts admitting children to kindergarten through grade 12;

(c) designing the list to include pertinent available information for identification of the missing school child, including ~~if possible~~ a recent photograph of the child pursuant to 20-7-104(10); and

(d) notifying the appropriate law enforcement agency and the missing children information program as soon as any additional information is obtained or contact is made with

Unofficial Draft Copy

As of: May 4, 2018 (11:11am)

LCFOTO

respect to a missing school child.

(2) Each school district in Montana shall:

(a) distribute to each school building within the district the list of missing school children provided for in subsection (1); and

(b) notify the appropriate law enforcement agency at the earliest known contact with any child whose name appears on the list of missing school children."

{*Internal References to 44-2-506:*
x 44-2-503}

NEW SECTION. **Section 4. {standard} Effective date.** [This act] is effective on passage and approval.

- END -

{Name : Laura M. Sankey Keip
Title : Legislative Attorney
Agency : Legislative Services Division
Phone : 406-444-4410
E-Mail : lsankeykeip@mt.gov}