

INTRODUCED BY

SENATE BILL NO. 369

INTRODUCED BY W. H. Shaw
Frank B. Wilson

364
Gabrielle Rothely
Munich

4 A BILL FOR AN ACT ENTITLED: "AN ACT LOCATING THE LAW ENFORCEMENT ACADEMY IN GREAT
5 FALLS, MONTANA; AMENDING SECTION 44-10-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

9 **Section 1.** Section 44-10-103, MCA, is amended to read:

"44-10-103. Establishment and location of academy. There is hereby established a Montana law enforcement academy. The academy is located in Great Falls, Montana."

13 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 1995.

14 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0369, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

The bill will move the Montana Law Enforcement Academy (MLEA) from Bozeman to Great Falls.

ASSUMPTIONS:

1. The Architecture and Engineering (A & E) Division, in conjunction with the Department of Justice, has developed the space utilization requirements for the Montana Law Enforcement Academy (MLEA).
2. The A & E Division must evaluate the Great Falls facility/facilities to determine the feasibility of relocating the MLEA to Boulder. It will take approximately 15 days to complete the evaluation and provide a cost estimate once the division has been requested to perform the evaluation. The Long-Range Building Program would provide the funding for the remodeling costs.
3. It is assumed that design and remodeling work, if any, would take place during FY96, with the MLEA moving in June 1996.
4. A state agency has shown interest in occupying the state-owned buildings in Bozeman. It is therefore assumed that the current MLEA campus buildings will not be sold, but will be occupied by another state agency at no fiscal impact.
5. Additional costs for the MLEA in FY96 would be moving costs of both MLEA furniture and 10.00 FTE (\$47,000); per diem costs for MLEA staff for relocation (\$3,500); and phone, computer, and utility hookups (\$3,500), or a total FY96 cost of \$53,000. The FY96 MLEA budget contains \$29,000 for maintenance to existing buildings. It is assumed that the maintenance will be delayed and the \$29,000 used for moving costs.
6. There is \$36,850 appropriated to MLEA in FY96 and FY97 for leasing additional classroom space in Bozeman. That amount would not be needed in FY97.
7. It is assumed that the MLEA FY97 food budget would be sufficient to provide or contract for food preparation, delivery, and clean-up services.

FISCAL IMPACT:

(excluding the costs attributable to the Great Falls facilities)

Expenditures:

	FY96	FY97
Department of Justice (MLEA) :	<u>Difference</u>	<u>Difference</u>
Operating Expenses	24,000	(36,850)

Funding:

General fund (01)	24,000	(36,850)
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Technical Notes:

1. It is not feasible to move the MLEA by 7/1/95 (the effective date of the bill). As assumed above, the MLEA would begin operation at the Great Falls facilities on 7/1/96 (FY97).

DAVE LEWIS 2-17-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

CHRIS CHRISTIAENS 2-17-95
CHRIS CHRISTIAENS, PRIMARY SPONSOR DATE

Fiscal Note for SB0369, as introduced

SB 369

6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL DISTRICT TRUSTEES AND PERSONNEL
7 TO COMPLY WITH FEDERAL PROTECTIONS FOR FAMILY AND STUDENT PRIVACY AND OTHER STUDENT
8 RIGHTS; REQUIRING THE TRUSTEES OF A SCHOOL DISTRICT TO ADOPT POLICIES REGARDING WRITTEN
9 PARENTAL CONSENT PRIOR TO OBTAINING CERTAIN INFORMATION FROM A STUDENT THAT RELATES
10 TO A STUDENT OR THE STUDENT'S FAMILY; REQUIRING NOTIFICATION OF AND WRITTEN CONSENT
11 FOR STUDENT PARTICIPATION IN A SCHOOL HEALTH EDUCATION PROGRAM; AND PROVIDING AN
12 EFFECTIVE DATE."

13

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

15

16 **NEW SECTION.** **Section 1.** Short title. [Sections 1 through 5 AND 2] may be cited as the
17 "Montana Family Educational Rights and Privacy Act".

18

19 NEW SECTION. **Section 2. Definitions.** For the purposes of sections 1 through 61, the following
20 definitions apply:

21 (1) "Experimental procedure" means an assessment method and validity data based on controlled
22 scientific studies that have not been published in at least two professional peer-reviewed journals.

23 (2) "Guardian" means the guardian of a minor, as provided in Title 72, chapter 5, part 2.

(3) (a) "Psychological or psychiatric treatment" means an interpersonal interaction with the objective of modifying the perception of or adjustment of a person's attitudes, feelings, values, self-concept, personal adjustments, motives, personality characteristics, or adaptive coping patterns.

27 (b) The term does not include crisis intervention, which is an emergency action taken in response
28 to a clear and present danger to health or safety.

29

30 NEW SECTION. Section 2. Application of federal law to administration and operation of school



1 **districts -- trustee policies.** (1) The trustees of a school district and school district personnel shall comply
2 with the protection provided for family and student privacy under the federal Family and Educational Rights
3 and Privacy Act of 1974 (20 U.S.C. 1232g), AND WITH PROTECTION OF STUDENT RIGHTS IN 20 U.S.C.
4 1232H in the administration and operation of all school district programs, regardless of the source of
5 funding for the program.

6 (2) The trustees of a school district shall adopt policies governing the protection of family and
7 student privacy AND THE PROTECTION OF STUDENT RIGHTS as required by [sections 1 through 5 AND
8 2]. At the beginning of each school year, the trustees shall provide each student's parent or guardian with
9 written notification of the provisions of [sections 1 through 5 AND 2] and the school board policies adopted
10 under the provisions of [sections 1 through 5 AND 2].

11

12 NEW SECTION. Section 4. Policies on prohibition of testing without prior written consent
13 notification to parents -- validity of consent. (1) The policies adopted by the trustees of a school district
14 under the provisions of [section 3] must include prohibitions on the administration of any psychological or
15 psychiatric examination, test, or treatment or experimental procedures without the prior written consent
16 of the student's parent or guardian when the purpose is to reveal the following information concerning the
17 student, the student's parent or guardian, or a student's family member:

18 (a) political affiliations or philosophies;
19 (b) mental or psychological problems;
20 (c) sexual behavior, orientation, or attitudes;
21 (d) illegal, antisocial, self-incriminating, or demeaning behavior;
22 (e) critical appraisals of the student or individuals with whom the student or a family member has
23 close family relationships;
24 (f) religious affiliations or beliefs;
25 (g) legally recognized privileged and analogous relationships, such as relationships with lawyers,
26 medical personnel, or ministers; and
27 (h) income, except as required by law.
28 (2) The prohibitions and notification regarding the inquiry or disclosure of information under
29 subsection (1) also apply to:
30 (a) the curriculum and instructional materials, including teachers' manuals, films, tapes, or other

1 ~~supplementary material, that may be used in connection with any survey, analysis, or evaluation or other~~
2 ~~school activities unless prior written consent of the student's parent or guardian has been obtained; and~~
3 ~~(b) the taping or electronic recording of a meeting with a student without prior written consent of~~
4 ~~the parent or guardian.~~

5 ~~(3) Written parental consent is valid only if a parent or guardian has been first given written notice~~
6 ~~and a reasonable opportunity to obtain written information concerning:~~

7 ~~(a) records or information about the inquiry, including information about relationships, that may be~~
8 ~~examined or requested;~~

9 ~~(b) the means by which the records or information may be examined or reviewed;~~

10 ~~(c) the means by which the information is to be obtained;~~

11 ~~(d) the purpose for which the records or information is needed;~~

12 ~~(e) the entity or person, regardless of affiliation, who will have access to the personally identifiable~~
13 ~~information; and~~

14 ~~(f) a method by which a parent or guardian of a student may grant permission to access or to~~
15 ~~examine the personally identifiable information.~~

16 ~~(4) (a) Except in the case of exigent circumstances, disclosure to a parent or guardian must be~~
17 ~~given at least 2 weeks but not more than 5 months before information protected under [sections 1 through~~
18 ~~5] is sought.~~

19 ~~(b) A general consent, including a general consent used to approve admission to or involvement~~
20 ~~in a special education or remedial program or regular school activity, does not constitute consent under~~
21 ~~[sections 1 through 5].~~

22
23 **NEW SECTION. Section 5. Policy regarding health education programs—parental notification.** The
24 ~~trustees of a district shall adopt a policy under the provisions of [sections 1 through 5] to provide for~~
25 ~~written consent from a student's parent or guardian prior to the student's participation in a health education~~
26 ~~program of the district. The policy must include provisions for:~~

27 ~~(1) written notification to the student's parent or guardian that written consent is required prior~~
28 ~~to the student's participation in the program; and~~

29 ~~(2) allowing a parent to review the materials to be used by the student and the teacher in the~~
30 ~~program.~~

1 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 through 5 AND 2] are intended
2 to be codified as an integral part of Title 20, chapter 5, and the provisions of Title 20 apply to [sections
3 1 through 5 AND 2].

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5 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 1995.

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