

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2326**

Introduced by

Senators Poolman, Dever, Schaible

Representatives Nathe, Rohr, Schatz

1 A BILL for an Act to create and enact three new sections to chapter 15.1-02 and a new section
2 to chapter 15.1-07 of the North Dakota Century Code, relating to the collection and
3 maintenance of student data and reportable data fields; and to amend and reenact section
4 15.1-02-18 of the North Dakota Century Code, relating to duties of the state longitudinal data
5 system committee.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 15.1-02-18 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and**
10 **duties - Report to interim committee - Continuing appropriation.**

- 11 1. The statewide longitudinal data system committee consists of:
- 12 a. The chancellor of the board of higher education or the chancellor's designee;
 - 13 b. The superintendent of public instruction or superintendent of public instruction's
14 designee;
 - 15 c. The chief information officer or the chief information officer's designee;
 - 16 d. The director of the department of career and technical education or the director's
17 designee;
 - 18 e. The director of job service North Dakota or the director's designee;
 - 19 f. The commissioner of commerce or the commissioner's designee;
 - 20 g. The director of the department of human services or the director's designee;
 - 21 h. The director of the North Dakota educational technology council;
 - 22 i. The director of the North Dakota council of educational leaders or the director's
23 designee;

- 1 j. The director of the North Dakota workforce development council or the director's
2 designee; and
- 3 k. Two members of the legislative assembly appointed by the chairman of the
4 legislative management.
- 5 2. The governor shall ~~appoint~~designate the chairman of the committee.
- 6 3. The committee may appoint additional ~~committees to~~work groups and task forces to
7 serve ~~the committee~~ in an advisory capacity.
- 8 4. The committee shall manage a statewide longitudinal data system that:
- 9 a. Provides for the dissemination of management information to stakeholders and
10 partners of state education, training, and employment systems; and
- 11 b. Uses data from educational and workforce systems as central sources of
12 statewide longitudinal data.
- 13 5. The committee shall set policy and adopt rules relating to access to and the collection,
14 storage, and sharing of information and the systems necessary to perform those
15 functions, subject to applicable federal and state privacy laws and interagency
16 agreements and restrictions relating to confidential information required to conform to
17 applicable federal and state privacy laws. The committee shall provide operational
18 oversight for information sharing activities and make recommendations for and provide
19 oversight of information sharing budgets.
- 20 6. The committee, in consultation with the information technology department, shall:
- 21 a. Establish the terms and conditions under which a person may be authorized to
22 access data through the statewide longitudinal data system;
- 23 b. Direct that all statewide longitudinal data system administrators implement
24 approved data protection practices to ensure the security of electronic and
25 physical data, provided that the practices include requirements for encryption and
26 staff training;
- 27 c. Provide for biennial privacy and security audits of the statewide longitudinal data
28 system;
- 29 d. Establish protocols, including procedures, for the notification of students and
30 parents, in the event of a data breach involving the statewide longitudinal data
31 system;

1 e. Require that data retention and disposition by the statewide longitudinal data
2 system be governed by the same policies as those instituted for the information
3 technology department; and

4 f. Require the provision of annual training regarding data protection to any
5 individuals who have access to the statewide longitudinal data system, including
6 school district employees, employees of the North Dakota university system
7 office and institutions under the control of the state board of higher education,
8 and elected or appointed state or local governmental officials.

9 7. The committee may authorize studies to benefit and improve workforce training and
10 education.

11 ~~6-8.~~ The committee shall provide a report to the information technology committee, interim
12 committee on education issues, and interim committee on economic development ~~on~~
13 ~~the status of,~~ regarding the statewide longitudinal data system. The report must
14 include recommendations for further development, cost proposals, proposals for
15 legislation, and data sharing governance.

16 ~~7-9.~~ The committee may solicit and receive moneys from public and private sources and
17 those funds are appropriated on a continuing basis for the support of the statewide
18 longitudinal data system.

19 **SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
20 and enacted as follows:

21 **Superintendent of public instruction - Identification of data - Rules.**

22 The superintendent of public instruction shall by rule identify:

- 23 1. All data fields that the superintendent collects or maintains about students;
- 24 2. The purpose for collecting or maintaining the data; and
- 25 3. Persons with whom the data are shared.

26 **SECTION 3.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
27 and enacted as follows:

28 **Student data - Collection - School district responsibility.**

- 29 1. The board of each school district shall publish on the district's website a list of all data
30 fields that the district collects or maintains about an individual student and indicate for
31 each field:

- 1 a. Whether the field is classified as:
- 2 (1) Directory information;
- 3 (2) Personally identifiable information; or
- 4 (3) Non-personally identifiable information;
- 5 b. The purpose for which the data is collected or maintained; and
- 6 c. Any person, other than a school district employee, with whom the data is shared.
- 7 2. The board of each school district shall establish a policy and identify therein, by name
- 8 or title, which school district employee has access to the data.
- 9 3. The board of each school district shall establish a policy addressing the manner in
- 10 which a parent may opt-out of any disclosure involving directory information or
- 11 personally identifiable information of that parent's child, except as required in order to
- 12 administer the state finance formula.
- 13 4. The board of each school district shall review the requirements of this section at least
- 14 annually and modify the district's website and policies to ensure accuracy.

15 **SECTION 4.** A new section to chapter 15.1-02 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Application of chapter.**

18 Nothing in this chapter prohibits or limits the release of school district records to or the
19 administrative use of school district records by:

- 20 1. A court;
- 21 2. A governmental entity, if there is a reasonable belief that an individual is or may be in
- 22 imminent danger; or
- 23 3. A vendor that provides to a school district a specific educational or administrative
- 24 service or product, provided that prior to the release of any records the vendor
- 25 contractually agrees to:
- 26 a. Limit the use of any student data that is collected and maintained to the
- 27 authorized purpose set forth in the contract;
- 28 b. Protect the data from unauthorized access or use; and
- 29 c. Return or destroy any data that was collected and maintained by the vendor upon
- 30 fulfillment of the authorized purpose set forth in the contract.

1 **SECTION 5.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Data field - Reportable - List.**

4 Prior to the beginning of each school year, a school district shall publish on its website a list
5 of all data fields that the district will report in PowerSchool or in any other state automated
6 reporting system, during the ensuing school year. Each district shall make the list available in
7 printed form, upon request.