

Sixty-second  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1214**

Introduced by

Representatives Skarphol, R. Kelsch

Senators Grindberg, Wardner, Robinson

1 A BILL for an Act to create and enact sections 15.1-02-18.1, 15.1-02-18.2, and 15.1-02-18.3 of  
2 the North Dakota Century Code, relating to the statewide longitudinal data system and the  
3 mandatory provision of information; to amend and reenact sections 15.1-02-18 and 52-01-03 of  
4 the North Dakota Century Code, relating to the statewide longitudinal data system; and to  
5 repeal section 44-04-18.14 of the North Dakota Century Code, relating to the followup  
6 information on North Dakota education and training system.

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

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

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

- 12 1. The statewide longitudinal data system committee consists of:
- 13 a. The chancellor of the board of higher education or the chancellor's designee;:
  - 14 b. The superintendent of public instruction or superintendent of public instruction's  
15 designee;:
  - 16 c. The chief information officer or chief information officer's designee;:
  - 17 d. The director of the department of career and technical education or the director's  
18 designee;:
  - 19 e. The director of job service North Dakota or the director's designee;:
  - 20 f. The commissioner of commerce or the commissioner's designee;:
  - 21 g. The director of the department of human services or the director's designee;:
  - 22 h. The director of the North Dakota educational technology council;:
  - 23 i. The director of the North Dakota council of educational leaders or the director's  
24 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 the ~~chair~~chairman of the committee.
- 6       3.   The committee may appoint ~~advisory~~additional committees ~~that would~~to serve the  
7       committee in an advisory capacity ~~to the committee~~.
- 8       ~~3.4.~~   The committee shall manage a longitudinal data system ~~which~~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           longitudinal data.
- 13       ~~4.~~   ~~The information technology department, at the direction of the committee, shall~~  
14       ~~maintain a statewide longitudinal data system among education, workforce, and~~  
15       ~~training entities. The department and the committee may, subject to federal and state~~  
16       ~~privacy laws, enter interagency agreements, including agreements designating~~  
17       ~~authorized representatives of the educational agencies participating in the system~~  
18       ~~pursuant to the Family Educational Rights and Privacy Act (FERPA) [20 U.S.C. 1232g;~~  
19       ~~34 CFR 99].~~
- 20       5.   The committee shall set policy and adopt rules relating to access to and the collection,  
21       storage, and sharing of information and the systems necessary to perform those  
22       functions, subject to applicable federal and state privacy laws and interagency  
23       agreements and restrictions relating to confidential information required to conform to  
24       applicable federal and state privacy laws. The committee shall provide operational  
25       oversight for information sharing activities and make recommendations for and provide  
26       oversight of information sharing budgets. The committee may authorize studies to  
27       benefit and improve workforce training and education.
- 28       6.   The committee shall provide a report to the information technology committee, interim  
29       committee on education issues, and interim committee on economic development on  
30       the status of the statewide longitudinal data system. The report must include

recommendations for further development, cost proposals, proposals for legislation, and data sharing governance.

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

~~8. The information technology department shall provide staff and other necessary support to the committee.~~

**SECTION 2.** Section 15.1-02-18.1 of the North Dakota Century Code is created and enacted as follows:

**15.1-02-18.1. Statewide longitudinal data system - Information technology department - Powers and duties.**

1. The information technology department, at the direction of the statewide longitudinal data system committee, shall maintain a statewide longitudinal data system among education, workforce, and training entities.

2. The information technology department and the statewide longitudinal data system committee may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system pursuant to the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99].

3. The information technology department shall provide staff and other necessary support to the statewide longitudinal data system committee.

**SECTION 3.** Section 15.1-02-18.2 of the North Dakota Century Code is created and enacted as follows:

**15.1-02-18.2. Information identifying an individual - Use - Prohibitions.**

~~Subject to any rules of the supreme court granting access to or authorizing disclosure of confidential records, any information that identifies an individual and which is collected or stored by the statewide longitudinal data system is immune from legal process and may not be admitted as evidence or used for any other purpose in any judicial or administrative proceeding without the consent of the identified individual.~~ The committee shall take all necessary steps to protect the confidentiality of any information that identifies an individual and which is collected

or stored by the statewide longitudinal data system. Information that identifies an individual may be disclosed only pursuant to a court order that protects the confidentiality of the information.

**SECTION 4.** Section 15.1-02-18.3 of the North Dakota Century Code is created and enacted as follows:

**15.1-02-18.3. State agencies - Mandatory provision of information - Confidentiality.**

1. The information technology department may request from any state agency:
  - a. All information required by 20 U.S.C. 9871(e)(2)(D); and
  - b. Any other educational information the statewide longitudinal data system committee determines is required for a longitudinal data system to comply with state or federal law.
2. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

**SECTION 5. AMENDMENT.** Section 52-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**52-01-03. Disclosure of information.**

1. Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of the North Dakota unemployment compensation law and determinations as to the benefit rights of any individual must be held confidential and may not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or claimant's legal representative must be supplied with information from the records of the unemployment insurance division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding under the North Dakota unemployment compensation law with respect to the claim.
2. Subject to restrictions as the bureau by rule may prescribe, the information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in

1 connection with the administration of the employment service may be made available  
2 to persons or agencies for purposes appropriate to the operation of a public  
3 employment service. Upon a request, the bureau shall furnish to any agency of the  
4 United States charged with the administration of public works or assistance through  
5 public employment, and may furnish to any state agency similarly charged, the name,  
6 address, ordinary occupation, and employment status of each recipient of benefits and  
7 the recipient's rights to further benefits under the North Dakota unemployment  
8 compensation law. The bureau may request the comptroller of the currency of the  
9 United States to cause an examination of the correctness of any return or report of any  
10 national banking association, rendered pursuant to the North Dakota unemployment  
11 compensation law, and in connection with the request, may transmit any report or  
12 return to the comptroller of the currency of the United States as provided in  
13 subsection c of section 3305 of the federal Internal Revenue Code. The bureau shall  
14 request and exchange information for purposes of income and eligibility verification to  
15 meet the requirements of section 1137 of the Social Security Act. Job service North  
16 Dakota may enter into memoranda of understanding with the United States census  
17 bureau to furnish unemployment insurance data to the census bureau and for sharing  
18 of information with job service North Dakota.

- 19 3. Job service North Dakota may provide workforce safety and insurance, the labor  
20 commissioner, the driver's license division of the department of transportation, the  
21 department of human services, the department of commerce, the state tax  
22 commissioner, and the ~~followup information on North Dakota education and training~~  
23 information technology department for purposes of the statewide longitudinal data  
24 system with information obtained pursuant to the administration of the unemployment  
25 insurance program, and may enter into interagency agreements with those entities for  
26 the exchange of information that will enhance the administration of the unemployment  
27 insurance program. Any information furnished pursuant to this subsection or pursuant  
28 to interagency agreements authorized by this subsection is to be used only for  
29 governmental purposes ~~only~~.
- 30 4. The bureau may provide any state agency or a private entity with the names and  
31 addresses of employing units for the purpose of jointly publishing or distributing

1           publications or other information as provided in section 54-06-04.3. Any information so  
2           provided may only be used for the purpose of jointly publishing or distributing  
3           publications or other information as provided in section 54-06-04.3.

4           5. Whenever the bureau obtains information on the activities of a contractor doing  
5           business in this state of which officials of the secretary of state, workforce safety and  
6           insurance, or the state tax commissioner may be unaware and that may be relevant to  
7           duties of those officials, the bureau shall provide any relevant information to those  
8           officials for the purpose of administering their duties.

9           6. The bureau shall request and exchange information as required of it under federal law  
10          with any specified governmental agencies. Any information so provided may be used  
11          only for the purpose of administering the duties of such governmental agencies.

12        **SECTION 6. REPEAL.** Section 44-04-18.14 of the North Dakota Century Code is repealed.