

March 16, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2326

Page 1, line 1, after "enact" insert "three new sections to chapter 15.1-02 and"

Page 1, line 2, after the first "to" insert "the collection and maintenance of student data and"

Page 3, after line 18, insert:

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

Superintendent of public instruction - Identification of data - Rules.

The superintendent of public instruction shall by rule identify:

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

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

Student data - Collection - School district responsibility.

1. The board of each school district shall publish on the district's website a list of all data fields that the district collects or maintains about an individual student and indicate for each field:
 - a. Whether the field is classified as:
 - (1) Directory information;
 - (2) Personally identifiable information; or
 - (3) Non-personally identifiable information;
 - b. The purpose for which the data is collected or maintained; and
 - c. Any person, other than a school district employee, with whom the data is shared.
2. The board of each school district shall establish a policy and identify therein, by name or title, which school district employee has access to the data.
3. The board of each school district shall establish a policy addressing the manner in which a parent may opt-out of any disclosure involving directory information or personally identifiable information of that parent's child, except as required in order to administer the state finance formula.

4. The board of each school district shall review the requirements of this section at least annually and modify the district's website and policies to ensure accuracy.

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

Application of chapter.

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

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

Renumber accordingly