Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2326
(Senators Poolman, Dever, Schaible)
(Representatives Nathe, Rohr, Schatz)

AN ACT to create and enact a new section to chapter 15.1-07 and seven new sections to chapter 54-59 of the North Dakota Century Code, relating to reportable data fields and the statewide longitudinal data system; to repeal sections 15.1-02-18, 15.1-02-18.1, and 15.1-02-18.2 of the North Dakota Century Code, relating to the statewide longitudinal data system; and to provide for a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Protection of student data - School district policy.

1. The board of each school district shall adopt a policy regarding the protection of student data.
2. The policy must require that permission be obtained from the board before any student data is shared with an individual who is not a school district employee or shared with any other entity. This provision does not apply to the sharing of data with a student's parent or to the sharing of data, if required by law.
3. The policy must require the school district superintendent to compile:
   a. A list of all individuals with whom, and entities with which, student data is shared; and
   b. A list, by title, of all school district personnel who have access to student data.
4. A school district shall make copies of the policy available upon request.

SECTION 2. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Statewide longitudinal data system committee - Membership.

1. The statewide longitudinal data system committee consists of:
   a. The commissioner of the board of higher education or the commissioner's designee;
   b. The superintendent of public instruction or the superintendent's designee;
   c. The chief information officer or the officer's designee;
   d. The director of the department of career and technical education or the director's designee;
   e. The director of job service North Dakota or the director's designee;
   f. The commissioner of commerce or the commissioner's designee;
   g. The director of the department of human services or the director's designee;
   h. The director of the North Dakota educational technology council;

i. The executive director of the North Dakota council of educational leaders or the executive director's designee;

j. The director of the North Dakota workforce development council or the director's designee; and

k. Two members of the legislative assembly appointed by the chairman of the legislative management.

2. The governor shall designate the chairman of the committee.

SECTION 3. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Statewide longitudinal data system committee - Duties.

1. The statewide longitudinal data system committee shall manage a statewide longitudinal data system that:

   a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems; and

   b. Uses data from educational and workforce systems as central sources of statewide longitudinal data.

2. The statewide longitudinal data system committee shall establish policies and adopt rules addressing access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform to applicable federal and state privacy laws.

3. The statewide longitudinal data system committee shall provide operational oversight for information sharing activities and make recommendations for and provide oversight of information sharing budgets.

4. The statewide longitudinal data system committee in consultation with the information technology department shall:

   a. Establish the terms and conditions under which a person may be authorized to access data through the statewide longitudinal data system;

   b. Direct that all statewide longitudinal data system administrators implement approved data protection practices to ensure the security of electronic and physical data, provided that the practices include requirements for encryption and staff training;

   c. Provide for biennial privacy and security audits of the statewide longitudinal data system;

   d. Establish protocols, including procedures, for the notification of students and parents in the event of a data breach involving the statewide longitudinal data system;

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

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

SECTION 4. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Statewide longitudinal data system committee - Powers.

1. The statewide longitudinal data system committee may authorize studies to benefit and improve workforce training and education.

2. The statewide longitudinal data system committee may appoint additional work groups and task forces to serve in an advisory capacity.

SECTION 5. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Statewide longitudinal data system committee - Report to legislative management.

During each interim the statewide longitudinal data system committee shall provide a report regarding the statewide longitudinal data system to one or more committees designated by the legislative management and shall provide recommendations for further development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 6. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Statewide longitudinal data system committee - Continuing appropriation.

The statewide longitudinal data system committee may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 7. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Statewide longitudinal data system committee - Information technology department.

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 staff and provide other necessary support to the statewide longitudinal data system committee.

SECTION 8. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

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 9. REPEAL. Sections 15.1-02-18, 15.1-02-18.1, and 15.1-02-18.2 of the North Dakota Century Code are repealed.

President of the Senate	Speaker of the House
Secretary of the Senate	Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2326.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 62	Nays 30	Absent 2

Secretary of the Senate

Received by the Governor at _____M. on _____, 2015.

Approved at _____M. on _____, 2015.

Governor

Filed in this office this _____day of _____, 2015,

at _____ o'clock _____M.

Secretary of State