PROPOSED AMENDMENTS TO HOUSE BILL NO. 1453

Page 1, line 11, replace "age" with "date of birth"

Page 1, line 13, after "race" insert "and ethnicity"

Page 1, line 15, after "student's" insert "teacher of record,"

Page 1, line 15, after the first "school" insert an underscored comma

Page 1, line 18, after "enrollment" insert "and attendance information"

Page 1, line 19, after the "j." insert: "The student's disciplinary record;

> k."

Page 1, line 19, after "unique" insert "state"

Page 1, line 19, remove ", as used in PowerSchool"

Page 1, replace line 20 with:

> "l.   The student's participation in state and federal education programs."

Page 1, line 21, replace "A" with "Subsection 1 does not apply to:

> a.   The bureau of criminal investigation;
>
> b.   The center for distance education;
>
> c.   The department of corrections and rehabilitation;
>
> d.   The state department of health with respect to the collection and retention of student immunization records and the investigation and reportability of infectious diseases;
>
> e.   North Dakota vision services - school for the blind;
>
> f.   The school for the deaf;
>
> g.   The state board of higher education;
>
> h.   Workforce safety and insurance; or
>
> i.   The youth correctional center.

> 3.   Nothing in this section precludes a state agency from entering a data sharing agreement or from hosting a student information system. However, a"

Page 1, line 21, replace "a data sharing contract" with "such activity"

Page 2, line 1, replace "**state assessment administrator**" with "**entity other than school district**"

Page 2, line 3, replace "An entity administering" with:

"1.   If an entity other than a school district administers"

Page 2, line 3, after "students" insert ", that entity"

Page 2, line 5, replace "1." with "a."

Page 2, line 7, replace "2." with "b."

Page 2, line 8, replace "3." with "c."

Page 2, line 8, after "race" insert "and ethnicity"

Page 2, line 9, replace "4." with "d."

Page 2, line 10, replace "5." with "e."

Page 2, replace line 11 with:

    "f.   The student's participation in state and federal education programs.

    2.   This section does not apply to the administration of the ACT or the national assessment of educational progress."

Page 2, line 12, replace "**Disclosable**" with "**School district responsibility**"

Page 2, remove lines 13 through 31

Page 3, replace lines 1 through 29 with:

    "1.   The board of each school district shall determine what constitutes directory information within the district.

    2.   The board of each school district shall develop a policy to address the use and disclosure of directory information and shall identify, by name or title, those individuals who have access to directory information. The board shall review the policy annually.

    3.   Directory information about a student may be disclosed only if:

    a.   The student or the student's parent in the case of a student who is younger than eighteen has been notified of:

    (1)   The intent to disclose the directory information;

    (2)   The proposed recipient of the directory information; and

    (3)   The purpose of the proposed disclosure; and

    b.   The student or the student's parent in the case of a student who is younger than eighteen has been given an opportunity to opt out of the disclosure.

    c.   For purposes of this subsection, notification means a posting on the school district's website."

Page 4, line 2, after "person" insert "willfully"

Page 4, line 3, replace "the" with "an"

Page 4, line 3, replace the first "of" with "up to"

Page 4, line 22, remove the underscored colon

Page 4, remove lines 23 through 31

Page 5, replace lines 1 through 5 with "any matter not directly related to the state or school district content standards or the student's grade level curriculum."

Page 5, line 20, replace "implement a program under which" with "issue to"

Page 5, line 20, remove "is provided with"

Page 5, line 21, replace "his or her" with "the student's"

Page 5, line 23, remove "prohibit their child's participation in the program. A student age"

Page 5, line 24, replace "eighteen or older may refuse to accept such a device" with "decline permission for the student to bring the device home or to remove the device from the school"

Page 5, line 30, after "any" insert "individualized"

Page 6, line 2, after "expressions" insert: ", provided that the prohibition of this section does not extend to:

> a. School nurses or other health care professionals delivering health care services to students; or

> b. Classes or related activities in which the scanning, monitoring, or recording of such information is a required curricular element"

Page 6, line 3, replace "Scans, monitors, or records the" with "Reviews a"

Page 6, line 3, replace the underscored semicolon with an underscored comma

Page 6, line 4, remove "3.   Monitors or tracks the student's"

Page 6, line 4, after "communications" insert an underscored comma

Page 6, line 4, after "storage" insert ", except if there is a reasonable suspicion that a law is being broken, that a policy is being violated, or that an individual is in imminent danger"

Page 6, line 5, replace "4." with "3."

Page 6, line 5, after "location" insert ", except as necessary for the provision of transportation services"

Page 6, line 8, remove "**Survey items - **"

Page 6, after line 8 insert "1."

Page 6, line 11, replace "1." with "a."

Page 6, line 12, replace "2." with "b."

Page 6, line 14, replace "3." with "c."

Page 6, line 16, replace "4." with "d."

Page 6, line 18, replace "5." with "e."

Page 6, line 20, replace "6." with "f."

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Page 6, line 21, replace "7." with "g."

Page 6, line 23, replace "8." with "h."

Page 6, line 24, replace "9." with "i."

Page 6, line 25, replace "10." with "j."

Page 6, after line 26, insert:

> "2.   Nothing in this section precludes a student from taking a survey in accordance with the requirements of section 2 of this Act.

SECTION 6. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Additional requirements - Penalty.

1.   In order to validate that student data is protected, as required by law, a school district may consult with the information technology department, or a designee of the department, before the district acquires or initiates the utilization of any technology options.

2.   a.   A school district may not enter an agreement with a vendor of technology, including software, if the agreement permits the vendor to collect and retain student data for any purpose, unless the district contractually and specifically requests or requires that the data be collected and retained by the vendor. Such a requirement by the district is limited to school district or educational purposes.

    b.   Any vendor that willfully violates an agreement under this section is subject to a class A misdemeanor and to a civil penalty in an amount up to ten thousand dollars per violation.

3.   Each school district shall develop and implement a policy that clearly sets forth which individuals, by name or title, are authorized to access specified student data. The board shall review the policy annually."

Renumber accordingly