Adopted by the Education Committee

February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1357

Introduced by

Representatives Morton, Kasper, Maki, Marschall, Osowski, Schauer, Schreiber-Beck, McLeod, K. Anderson

Senators Boschee, Van Oosting

1   A BILL for an Act to amend and reenact ~~section~~subsection 1 of section 15.1-06-06, and sections

2   15.1-07-25.3 and 15.1-07-33 of the North Dakota Century Code, relating to protection of student

3   data and data sharing agreements; and to provide an effective date.

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

5   **SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-06-06 of the North Dakota

6   Century Code is amended and reenacted as follows:

7   1.   To obtain certification that a public school is approved, the superintendent of the

8   district in which the school is located shall submit to the superintendent of public

9   instruction a compliance report verifying that:

10   a.   Each classroom teacher is licensed to teach by the education standards and

11   practices board or approved to teach by the education standards and practices

12   board;

13   b.   Each classroom teacher is teaching only in those course areas or fields for which

14   the teacher is licensed or for which the teacher has received an exception under

15   section 15.1-09-57;

16   c.   The school meets all curricular requirements set forth in chapter 15.1-21;

17   d.   The school participates in and meets the requirements of a review process that

18   is:

19   (1)   Designed to improve student achievement through a continuous cycle of

20   improvement; and

1   (2)   Approved by the superintendent of public instruction;

2   e.   The physical school plant has been inspected by the state fire marshal or the

3   state fire marshal's designee in accordance with section 15.1-06-09 and:

4   (1)   Has no unremedied deficiency; or

5   (2)   Has deficiencies that have been addressed in a plan of correction which

6   was submitted to and approved by the state fire marshal or the state fire

7   marshal's designee;

8   f.   All individuals hired after June 30, 2011, and having unsupervised contact with

9   students at the school, have:

10   (1)   Undergone a criminal history background check requested by the employing

11   school district; or

12   (2)   Undergone a criminal history background check in order to be licensed by

13   the education standards and practices board or by any other state licensing

14   board; and

15   g.   The school uses North Dakota eTranscripts, or an alternative information system

16   designated by the information technology department in collaboration with the

17   superintendent of public instruction, to generate official transcripts.

18   h.   The school executed a data sharing agreement with the department under

19   sections 15.1-07-25.3 and 15.1-07-33.

20   **SECTION 2. AMENDMENT.** Section 15.1-07-25.3 of the North Dakota Century Code is

21 amended and reenacted as follows:

22   **15.1-07-25.3. Protection of student data - School district policy.**

23   1.   The board of ~~each~~a school district shall adopt a policy regarding the protection of

24   student data.

25   2.   The policy must ~~require~~:

26   a.   Require that permission be obtained from the board before ~~any~~ student data is

27   shared with an individual who is not a school district employee or ~~shared with~~ any

28   other entity. This provision does not apply to ~~the~~ sharing ~~of~~ data with a student's

29   parent or ~~to the sharing of data, if~~as otherwise ~~required~~authorized by law.

30   b.   Permit a school district to share student data with ~~a~~the state entity

31   ~~using~~managing a student information system ~~or the state longitudinal dashboard~~

1   system if the school district and the state entity have entered a data sharing

2   agreement, subject to federal and state privacy laws. The data sharing

3   agreement must include a clause that designates the department as an

4   authorized representative of the school district under the Family Educational

5   Rights and Privacy Act of 1974 [20 U.S.C. 1232G] and title 34 Code of Federal

6   Regulations part 99 for purposes of the statewide longitudinal data system.

7   3.   The policy must require the school district superintendent to compile:

8   a.   A list of all individuals with whom, and entities with which, student data is shared;

9   and

10   b.   A list, by title, of all school district personnel who have access to student data.

11   4.   A school district shall make copies of the policy available upon request.

12   **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is

13   amended and reenacted as follows:

14   **15.1-07-33. Student information system - Exemption.**

15   1.   Notwithstanding any other technology requirements imposed by the superintendent of

16   public instruction or the information technology department, each school district shall

17   implement the state student information system administered by the information

18   technology department and, use it as its principal student information system, and

19   enter a data sharing agreement with the department of public instruction, subject to

20   federal and state privacy laws and section 15.1-07-25.3. Each school district shall use

21   a state course code, assigned by the department of public instruction, to identify all

22   local classes in the state student information system.

23   2.   The statewide longitudinal data system committeesuperintendent of public instruction

24   may exempt a school district from having to implement and utilize the state student

25   information system if the school district demonstrates that:

26   a.   The district has acquired and is using a student information system determined to

27   be compatible with the statewide longitudinal data system; or

28   b.   In accordance with requirements of the bureau of Indian education, the district

29   has acquired and is utilizing a student information system that is determined to

30   be comparable by the superintendent.

31   **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on July 1, 2026.