



1 NDCEL Testimony in Support of HB 1357

2 Chairman Heinert and Members of the Committee, NDCEL is expressing our strong support for House  
3 Bill 1357, which aims to reinforce the protection of student data within North Dakota school districts by  
4 having this section of code. This legislation is essential in safeguarding the rights of students and parents  
5 by ensuring that student-level data remains secure at the district level unless a formal data-sharing  
6 agreement is in place.

7 Student data fundamentally belongs to the parent and the student, and it is imperative that it is handled  
8 with the highest level of protection and confidentiality. The Family Educational Rights and Privacy Act  
9 (FERPA) explicitly mandates that, without a valid data-sharing agreement, student data may not be shared  
10 with state agencies. This bill aligns with federal law by requiring school districts to establish clear  
11 policies that prevent unauthorized data sharing.

12 We have heard from our colleagues who are already utilizing the new student information system that will  
13 replace PowerSchool (Infinite Campus), and they have raised significant concerns about the necessity of  
14 these protections. Without explicit safeguards in place, student-level data may not be adequately  
15 protected, as intended under the State Longitudinal Data System (SLDS) portion of the North Dakota  
16 Century Code. Ensuring compliance with FERPA and SLDS regulations will provide the necessary  
17 structure to protect sensitive student information.

18 HB 1357 provides clear guidelines that prioritize data privacy by mandating that student data should not  
19 be shared with external entities unless a formal data-sharing agreement is in effect. Furthermore, FERPA  
20 mandates such agreements to ensure compliance with federal law, and the existing SLDS portion of code  
21 was established to protect student data at the district level. Based on what we have learned about Infinite  
22 Campus, the incoming student information system, it is evident that additional safeguards must be  
23 implemented to uphold these protections.

24 I have been working with Rep. Schreiber-Beck on a modest amendment to ensure the needed data arrives  
25 to the SLDS as appropriate, however the spirit of the language is important. We ask that the wording be  
26 as such to ensure the data is shared appropriately.

27 2. The policy must require:

28 a. Require that permission be obtained from the board before ~~any~~ student data is shared with an  
29 individual who is not a school district employee or ~~shared with~~ any other entity. This provision does not  
30 apply to ~~the sharing of data with a student's parent or to the sharing of data,~~ if as otherwise required by  
31 law.

32 b. Permit a school district to share student data with a state entity **the State Longitudinal**  
33 **Data System** using a student information system or the state longitudinal dashboard system. **if the**  
34 **school district and the state entity have entered a data-sharing agreement.**