TESTIMONY ON HB 1357
HOUSE EDUCATION COMMITTEE
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Mr. Chairman and Members of the Committee:

My name is Kirsten Baesler, and I am the State Superintendent of the Department of Public Instruction (DPI). I am here to speak in opposition to HB 1357 as written and offer some amendments.

NDIT, NDDPI, and other state entities with a vested interest in the SLDS expressed concerns about the bill as written. These concerns were echoed by Laura Balliett, the Assistant Attorney General advising the SLDS group. Assistant Attorney General Balliett subsequently drafted these amendments to address the identified issues.

Let me provide some context regarding the historical, current, and future flow of student data. Historically and currently, student data is pulled from a Student Information System (SIS) and deposited into the State Longitudinal Data System (SLDS), which is managed by NDIT. The current SIS vendor, PowerSchool, feeds student data and course codes nightly from over 480 buildings across 168 separate instances of district-level PowerSchool systems.

This process requires that the 168 PowerSchool instances and the SLDS are housed on North Dakota Information Technology (NDIT) servers. Data required by NDDPI for funding formulas and state and federal reporting is then routed from the SLDS to NDDPI's State Automated Reporting System (STARS). The NDDPI STARS system also requires the collection of data directly from districts related to teacher licenses, school approval (MISO3s, MISO2s), and other information, which is then fed back into the SLDS. While this system functions, it is far from efficient and highlights the need for improvement in data flow processes.

SLDS also receives data from ND Health & Human Services, ND University System, Workforce & Development, Job Service, and CTE. Centralizing relevant data in one location with data-sharing agreements gives legislators a clear and comprehensive view of a student's involvement – and success - in public programs and services. This helps them answer important questions about how various programs impact students and young adults and evaluate the return on investment of taxpayer dollars.

Current data sharing agreements are between the districts and NDIT which allows this extraction and usage of the data (under the provisions, of course, of the Family Educational Rights and Privacy Act (FERPA) and other data privacy guidelines).

In 2021 and 2023, the ND Legislature provided funding to NDDPI and NDIT to modernize our data systems to make it more efficient for K12 users and more effective for legislators to use better information to make decisions. An RFP process for the NDDPI side of the project began in late 2023 and was completed in the Fall of 2024. The contract to update our system and create one state edition to serve as the STARS and the SIS was awarded to Infinite Campus. The new name for the NDDPI data frame is the Infinite Campus State Edition (ICSE.) Migration from current STARS and SIS (PowerSchool) to ICSE will be complete by July 1, 2026.

Under the new system configuration using ICSE's cloud-based architecture, student data and course codes will be replicated nightly into a single, state-level instance of the Infinite Campus Student Information System within ICSE. This data will continue to be used for calculating funding formula payments and for meeting state and federal reporting requirements. NDDPI will provide only the necessary and appropriate student data from ICSE to the larger warehouse of SLDS for state and federally required or state-directed cross-agency research projects.

This new data flow process is consistent with how other North Dakota state agencies provide their data to the SLDS. For instance, NDHHS uses FRAME (Field Reporting and Management Environment), an online platform for managing

child welfare services. NDHHS collects data within FRAME and determines which information is appropriate to share with the SLDS data lake. The SLDS does not and should not collect the child welfare information and flow it back to NDHHS. This new system modernizes K-12 student data management, aligning it with 21st-century standards for security and efficiency.

This change means that the data-sharing agreements currently in place between school districts and NDIT will need to transition to agreements between school districts and NDDPI. These new agreements will enable NDDPI to share only the appropriate data with the SLDS to meet the state's reporting and research requirements.

The proposed amendment to HB 1357 provides an effective date that coincides with the final migration and updates the entity with whom districts must establish these agreements. Importantly, this does not alter or expand who has access to the data—only a limited number of authorized users can view student-level data. The amendment simply modifies the process for how the data gets there.

If passed with these amendments, this bill will provide guardrails and clarity of expectations for all parties involved.

Ast. AG Balliet is here to answer any technical questions, and NDIT will be testifying after me, but before I turn the podium over to them or answer any questions do you want me to walk through the amendment?

In addition to providing an effective date in the beginning, Section 1 introduces subparagraph h to NDCC 15.1-06-06 – Approval of Public Schools. This addition requires schools to execute an interagency data-sharing agreement with NDDPI as a condition for annual operational approval. The reason for this is, it creates an efficient process integrated into an already existing reporting format for the Department to ensure that all parties are in good standing with data-sharing agreements for data security each year. During discussions I had with legislators on this bill, those lawmakers emphasized the importance of this requirement for SLDS research to ensure quality answers and information are able to be provided to them. Given that school districts collectively receive a large amount of money from the North Dakota legislature each biennium, these legislators felt it was crucial to ensure districts comply with legislative expectations.

Section 2 updates the language proposed to NDCC 15.1-07-25.3 – Protection of Student Data in the original version of HB 1357. This section of NDCC requires school boards to adopt a policy around the protection of student data. The updated language modifies paragraph 2b and would require the school board policy to permit the district to share data with the state entity managing student information systems including the SLDS as long as they have entered into an interagency data sharing agreement (as required by section 1 amendment).

Section 3 modifies NDCC 15.1-07-33 – Student Information System. This section of code requires schools to utilize a student information system approved by the Superintendent of Public Instruction or Information Technology Department. The modified language again highlights the requirements of the districts to enter a data-sharing agreement with the state. It also allows the Superintendent of Public Instruction to exempt a school from utilizing the approved student information system. Previously, the exemption was granted by the SLDS committee because the SLDS was the entity that extracted the data from the school. With the new configuration, NDDPI is managing the student information system and would be the appropriate entity to grant exemptions.

Chairman Heinert and Members of the Committee, that concludes my prepared testimony, and I will stand for any questions that you may have.