25.1085.01000

PROPOSED AMENDMENTS TO

Sixty-ninth
Legislative Assembly
of North Dakota

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, sections

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

3   student data; 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   **15.1-06-06. Approval of public schools.**

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

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

10   instruction a compliance report verifying that:

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

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

13   board;

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

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

16   section 15.1-09-57;

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

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

19   is:

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

21   improvement; and

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

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

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

1   (1) Has no unremedied deficiency; or

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

3   submitted to and approved by the state fire marshal or the state fire marshal's

4   designee;

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

6   students at the school, have:

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

8   school district; or

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

10   education standards and practices board or by any other state licensing

11   board; and

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

13   designated by the information technology department in collaboration with the

14   superintendent of public instruction, to generate official transcripts.

15 <ins>h. The school has executed a data sharing agreement with the department pursuant

16   to section 15.1-07-25.3 and 15.1-07-33.</ins>

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

18 amended and reenacted as follows:

19 **15.1-07-25.3. Protection of student data - School district policy.**

20 1. The board of ~~each~~<u>a</u> school district shall adopt a policy regarding the protection of

21   student data.

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

23 <u>a.</u> <u>Require</u> that permission be obtained from the board before ~~any~~ student data is

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

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

26   parent or ~~to the sharing of data, if~~<u>as</u> otherwise ~~required~~<u>authorized</u> by law.

27 <u>b.</u> <u>Permit a school district to share student data with</u> ~~a~~<u>the</u> state entity

28   ~~using~~<u>managing</u> a student information system ~~or the state longitudinal dashboard~~

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

30   agreement<u>, subject to federal and state privacy laws. The data sharing</u>

31   <u>agreement must include a clause wherein the school district shall designate the</u>

32   <u>department as an authorized representative pursuant to the Family Educational</u>

33   <u>Rights Act [20 U.S.C. 1232G; 34 CFR 99] for purposes of the statewide</u>

34   <u>longitudinal data system.</u>

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

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

3   and

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

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

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

7 amended and reenacted as follows:

8   **15.1-07-33. Student information system – Exemption.**

9   1. Notwithstanding any other technology requirements imposed by the superintendent

10   of public instruction or the information technology department, each school district

11   shall implement the state student information system administered by the ~~information~~

12   ~~technology department and~~<u>the department,</u> use it as its principal student information

13   system<u>, and shall enter a data sharing agreement with the department, subject to</u>

14   <u>federal and state privacy laws and pursuant to section 15.1-07-25.3</u>. Each school

15   district shall use a state course code, assigned by the department of public

16   instruction, to identify all local classes in the state student information system.

17   2. The ~~statewide longitudinal data system committee~~<u>superintendent</u> may exempt a

18   school district from having to implement and utilize the state student information

19   system if the school district demonstrates that:

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

21   be compatible with the statewide longitudinal data system; or

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

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

24   comparable by the superintendent.

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