2019 SENATE EDUCATION

SB 2101

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2101
1/7/2019
30462

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the student information system.

Minutes:	Att. #1 - Duane Schell; Att. #2, #3 – Jeff Fastnacht

Chairman Schaible: Called the committee to order. Roll call was taken. All members present. We'll open our hearing on SB 2101.

Duane Schell, Chief Technology Officer at the ITD: See Attachment # 1

Chairman Schaible: Would this lead to the termination of PowerSchool?

Duane Schell: That is certainly not our intent. Our intent is purely to clean up the language, we support the product, the program and we will pursue whatever strategy the K12 community wants to pursue.

Chairman Schaible: What about the funding aspect? Isn't it in the Department of Public Instruction budget?

Duane Schell: At one time it was, the current funding strategy, the way the governor's budget as proposed, that funding is embedded within ITD's budget bill.

Senator Davison: Mr. Chairman and Duane, is section 2 necessary anymore? As I read it, everybody's required to use the state student information system and it still requires the BIA schools to use a student information system. The superintendent isn't determining if the student information system is comparible or to what level it is at in section 1 but in section 2 we are trying to say that – I'm not sure what the purpose of section 2 is. Could you help me with that?

Duane Schell: Mr. Chairman, Senator Davison, I do believe we have some BIA schools that are participating. It is my understanding that some of the BIA schools are using a system that is being required through the BIA.

Senator Davison: But it is still a student information system?

Duane Schell: Correct.

Senator Davison: Maybe I am missing something, but I don't see the relevance of section 2.

Chairman Schaible: Senator Elkin

Senator Elkin: I was going to question the BIA, that's where Senator Davison has gone with this. I just wanted some clarity of why this has to be in there on its own.

Duane Schell: Mr. Chairman, Senator Elkin, I'm not sure I am the best one to comment on the BIA requirements. I do understand there are some requirements from the BIA, but I am not an expert on those areas.

Chairman Schaible: Other questions? Seeing none, thank you. Other testimony in favor of.

Jeff Fastnacht: See Attachment # 2, Attachment # 3

Chairman Schaible: Any questions of Mr. Fastnacht?

Senator Davison: Mr. Chair and Jeff the amendment you have proposed; it states on number 4 it says the state shall fund the student information system through Department of Public Instruction budget. I believe that there is a factor in the formula currently for funding PowerSchool.

Jeff Fastnacht: There was a formula in an earlier iteration, and then taken out and funded through Department of Public Instruction and ITD bills Department of Public Instruction.

Senator Davison: So, my point is: let's say school A stays with PowerSchool and PowerSchool is $100, but school B wants to spend $150 on whatever a comparable vendor is. So is it still the responsibility of the state to pay the higher price for the other vendor? You are thinking there will be an approved vendor list and we will fund whatever one the people want?

Jeff Fastnacht: No.

Senator Davison: Because we could write out a check to one vendor with PowerSchool, so I'm just trying to process the funding formula on how we would fund that if there is different costs to different schools. By putting a blanket statement that we are just going to pay for it, we are reall taking away if school A really doesn't need the student information system that focuses more on customized learning or personalized learning that has a higher price tag, they are just doing it because it has some different bells and whistles that they may be interested in. Do you have thoughts on that issue?

Jeff Fastnacht: Senator Davison and members of the committee, we support the initial change that was presented to you – there weren't multiple student information systems, we are asking for a rewrite of the statute to say instead of saying we are supplying PowerSchool, here would be a student information system that would be selected for the state. So we are

still talking one student information system that is collective for all schools. You would not have the ability - well, I guess anybody would have the ability to go rouge if they wanted to, but the statute kind of limits that, except for as we talked about in part 2, but the student information system would be a selected student information system for the state, it would just not be spelled out as PowerSchool and again, item 3 says if that would change in the future, here is the process for changing it, but it is the student information system – whatever we want to name it. Your funding of it is for the funding of the one and only singular information system. Whatever that may be in the future. That's how I read it.

Senator Davison: I guess Mr. Schnell has sat down. I guess I didn't interpret it that way when I read the original bill. So if schools are looking to do the more personalized/customized learning, there is software out there that addresses some of the grading systems and the competency things. Other schools may be more traditional and when I read originally, I was thinking schools would have the option to go a different direction if they wanted to, but you are still thinking it is going to select one system after looking at several vendor's products.

Jeff Fastnacht: Chairman Schaible and members of the committee, yes.

Senator Davison: I don't interpret that in this change here.

Jeff Fastnacht: That was the intent of ETC and was the driving force of the draft.

Chairman Schaible: So right now it is PowerSchool. To take this name out, does that need to be determined by someone and who would make that?

Jeff Fastnacht: Chairman Schaible we hope that item number 3 addresses that the SLDS committee would be the driving force of that and if there was ever a change from the stakeholders – and I know this is a philosophical debate – I know that ITD is a big thing – ITD is our service provider for K12. They are a platform that is hosting our software. SDLS seems the logical place to start any any change if we would see so fit. If not, we will just continue as is, but if we want to change it, that would be the driving catalyst for our change.

Chairman Schaible: Would it make sense to make to include that language?

Jeff Fastnacht: I hope that is what it says in item 3. The Statewide Longitudinal Board would the catalyst for any change. If not, again, we are just adding a starting point for the committee.

Chairman Schaible: Other questions?

Senator Oban: Chairman Schaible and Jeff, can you help me understand why in your proposed subsection 3 you guys feel it is necessary to name specific members of the ETC?

Jeff Fastnacht: Senator Oban and members of the committee the statewide longitudinal data system board is not the ETC. But with minimal representation the board is comprised of representation from Department of Public Instruction, Career and Tech Ed., NDCEL and NDATL is on there. So it is very representative of the ETC Board.

Senator Oban: So why name specific representatives that have to approve of this rather than the SLED board?

Jeff Fastnacht: Senator Oban and members of the committee, the SLED board is pretty small. You look at that and when we meet, that is probably a quorm of 5-6 people and is very technology rich, so we felt it should almost be a subcommittee fo SLDS. SLDS can start it, but, they will need to get viewpoints from other stakeholder input from a wider group. NDCEL would represent elementary and secondary principals, tech leaders of NDATL and superintendents. SLDS board is very tech heavy.

Senator Oban: I am looking at the committee membership in NDCC and it looks like there are supposed to be 11 members?

Jeff Fastnacht: Yes, there are supposed to be.

Senator Oban: If you need to attain a quorum, you may want to discuss that, but, I just think it is a little bit redundant to name certain members of the committee who should have a say if you have a committee. Just a question axs to why there was a preference.

Jeff Fastnacht: Senator Oban and members of the committee in all due respect if you want to say it is SLDS we are ok with that. We just wanted to start there because without it, it is left in the lap of IDT and they are the provider, not the consumer.

Chairman Schaible: Other questions. Other testimony in favor of? For your knowledge, we don't take neutral testimony, we only take testimony in favor or against a bill. We do offer agency testimony.

Lisa Feldner: Good morning Mr. Chairman and members of the committee. My name is Lisa Feldner (#142) and I am here representing NDCEL. I was asked to give a history of the implementation of PowerSchool in the state. Earlier, I served as the tech director of Bismarck Public Schools. Several of the larger districts were running on the AS400 platforms and when the computer revolution came along, student information products like PowerSchool came out. In 1998, we were looking to replace our mainframe based student information systems in Bismarck. So was Beulah and Grand Forks. We collaborated and started to look for a new system which happened to be athe same time the state was looking to do PeopleSoft. So and RFP was put out with the state – Curt Wolf was the CIO at the time ran the RFP for us. ITD did a great job. We procured PowerSchool and ITD negotiated a phenomenal licensing rate for us at the time. We were able to come on the first two years at no charge. But, that came at a cost – it was extremely painful for the districts involved. It was very painful to implement a new student information system. It was one of the worst experiences of my life and I would never want to do it again. Bismarck implemented it and Beulah and Grand Forks came on board as well. Pretty soon, several districts from around the state came on board voluntarily as well. You only had to pay a couple of bucks a student to be on PowerSchool and ITD hosted it. In 2007, I was the CIO, and we were able to get some legislation passed to start planning for a statewide longitudinal data system, the SLDS. We had had several failed attempts, both at the state – a product called Tetradata – a product the Department of Public Instruction forced down our throats that didn't work and then districts did another RFP and came up with another product call Viewpoint that some still use today. But at any rate, we were still looking for something that could be used statewide. In

the plan, we were given a small amount of money to hire a consultant to put together a plan for a statewide longitudinal data system to be able to track the successes and failures of things that were policy or funding related. The number one recommendation was that the state needed a uniform student information system at all K12 districts to collect the data seamlessly. In 2009, the first year the PowerSchool language was put into code. It said, notwithstanding any other technology systems imposed by the Superintendent of Department of Public Instruction, ITD, the NDETC and each school district shall acquire PowerSchool through the ITD and use it as it's student information system. Additionally, the funding factoring was put in - .002 of the funding formula times the number of students to pay for the program. EduTech was give $300,000 to help schools implement the product. That same year in 2009, we received a $2.2 million grant for the SLDS. As part of the 2.9 million, we had to have some way to collect that data. In 2011, PowerSchool was funded more directly through Department of Public Instruction and the department was to pay ITD for hosting the product. ITD is the service provider and host the product they don't own it – K12 owns it and they would pay ITD. Part of the reason the funding was done that way was so one of the Senators at the time said, "We as legislators need to track how much money is going to K12. The only way to track that is to put it in the K12 budget. If it is put in ITD's budget, we are not getting credit for funding education. You are giving credit for funding technology." That is why it ended up where it ended up. Hopefully, that will answer Senator Davison's question. The reason the language was put in about the BIA, was because the BIA says they have a federally funded and mandated student information system that they must use. It was decided BIS schools wouldn't need to use PowerSchool because of the federal mandate to use their system.

Senator Davison: What if we took the BIA out of there and let any school district that collecting the same data and we are in 2019 and that is not a difficult thing among data bases to transfer data because aren't some schools going to have a different need than other schools as we long term transition into how we may – the framework at which schools operate and how they grade and the different things they are doing and might want to track inside their school system?

Lisa Feldner: Senator Davison and members of the committee, in theory yes, but now you have all those hooks build into the SLDS and all that reporting from PowerSchool into the SLDS and yes, theoretically, with technology you can move those, but you have all that support from ITD that support PowerSchool. The question is, "How are you going to divide that up?" Does x school district that wants to choose something other than PowerSchool, and go on my own then does that mean that they won't get state funding and won't get support from EduTech?

Senator Davison: Mr. Chairman, I am just asking questions. I am looking forward to the questions as we meet only every two years. Where will schools be in two years – not where they are now. PowerSchool doesn't have a corner on the fields to collect student data information and SLDS and the hooks are just a push of the button because those fields are going to talk. We are past the 1990s where data bases didn't have bridges to talk. If there is a need out there as some schools are moving to different grading systems, and measuring different behavioral activities in their schools and doing different things…if PowerSchool doesn't keep up with that, we shouldn't be restricted based on that. We should have an out

for it. And it doesn't mean it should be easy, it just means there should be something in code and it is my belief that there is an out for it if necessary. That was my thought.

Chairman Schaible: That was a question? You are right the it is not quite as simple as technology as you think. There are other things to consider. Lisa did you have any other history for us?

Lisa Feldner: The only other thing I would say is that ITD has always negotiated those long term contacts – usually five year, with the ability to add a couple more years. That is a good thing as it allows for long term planning when you are on something for that amount of time. They need to be given credit for negotiating very good contracts. I'm here to provide history because this isn't anything to be taken lightly when you want to transition to a different process. It is a very long process.

Chairman Schaible: And we have spent a lot of money on SLDS and PowerSchool. Thank you. Other questions? Any testimony in favor of the bill? Any testimony in opposition the SB 2101? Seeing no other testimony, we'll close the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2101
1/14/2019
30744

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the student information system.

Minutes:

Chairman Schaible: We will look at SB 2101. Senator Davison.

Senator Davison: If you will remember, this is the bill that removes the vendor name "PowerSchool" and puts in the state student information system. The purpose of the bill to remove the vendor name and everybody to move forward with the same state system. I do believe it is important to be on the same state system. The challenge I had with the bill is that it doesn't provide for any flexibility for us to explore other opportunities or pilot projects that other schools might have as education innovation bill and some of the things school districts are doing with different way of grading and scheduling change and some different types of needs that they may have that PowerSchool or any system may not meet. It doesn't allow us the opportunity for them to come forward and say to a specific group that in my amendment it would be the statewide longitudinal date system committee. The statewide longitudinal data system committee would need to set a bar or a process for what level that would need to reach in order for them to do that. It would need to have the same "hooks", the same information that we are currently collecting with the current vendor. If that committee felt that they had reached that bar that was high enough to try that pilot project and it was something that another vendor didn't do that that committee could make that decision to allow them to do it. That is what the amendment does. In the bill, page 1, line 15, it adds in the overstrike to the superintendent of Public Instruction may exempt a school district from having to implement and utilize and it puts that into the statewide longitudinal data system committee. On line 117, I left in the BIA language, but added in the district would need to acquire a student information system that would be comparable to the current state longitudinal data system committee. That is the intention.

Chairman Schaible: Should it read state longitudinal board rather than committee?

Senator Davison: I thought that same thing. I did look it up in the NDCC 59-59-33 it does refer to it as the statewide longitudinal committee.

Chairman Schaible: I had assumed it was a board.

Senator Davison: Part of what I looked at is are these the right people on here? We don't need to act on this right now, we could continue to discuss that part of the issue.
Chairman Schaible: Senator Rust.

Senator Rust: Mr. Chairman and Senator Davison the NDCEL in testimony suggested amendments to SB 2101. I am wondering if that takes care of those items. I don't see number four being taken care of.

Senator Davison: Asst. Superintendent Fastknacht referred to the committee as a board and I think that is where the confusion arose. I do believe it takes care of number three.

Senator Rust: Number four says the state shall fund the system through the Department of Public Instruction budget. That was one of their suggestions.

Senator Davison: In visiting one of the schools that might like to look at another system in the future, they would fund that system if the system was changed. I don't think we should put it in there at this time. That school or group of schools should request it at that future time. We don't fund it if it is something different.

Chairman Schaible: Part of that discussion, if the funding was moved to ITD, the concern was that ITD could defund SLEDS if budget concerns arose. My concern if we have on statewide data system, we should have the best one we could have. That is what the state should fund. If we had schools that would like another option, the burden of payment would be on their back, but also the burden would be on their systems to be comparable with our system.

Chairman Schaible: I would suggest that the amendment include the funding through Department of Public Instruction.

Senator Marcellais: I would like to explain to the members on the committee, the reason they are in the bill is because the elementary school is funded by the federal government and the high school is funded through the state.

Chairman Schaible: Other discussion, comments. Kyle will continue to work on the amendment and we will get a "Christmas tree" version later. The committee will be in recess until 2:00 PM.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2101
1/29/2019
31623

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the student information system.

Minutes:	Att. #1-Schaible

Chairman Schaible: *See Attachment #1.* Introduced and explained an amendment to SB 2101 (19.8067.01002).

Vice-Chairman Fors: Move we adopt 19.8067.01002.

Rust: Second.

Chairman Schaible: Discussion.

Senator Oban: The Superintendent of Public Instruction is still going to be the one that exempts a school district, but the SLEDS committee determines what system will be used. Correct?

Chairman Schaible: We have one system right now – PowerSchool. We want to take PowerSchool out of there so the state has only one system – without a vendor name. The superintendent would have the authority to exempt a district from using a different system, but that district would need to pay for system and be sure that the data sets would still be usable by the state. The state has only one system and that is determined by SLEDS.

Roll taken: 7 yeas; 0 nays; 0 absent.

Motion Carried.

Rust: We have another amendment. 19.8067.01001. Did we do anything with that?

Senator Davison: That was the amendment I was going to add in when we added the amendment we just passed in. I thought they would be combined. I threw my copies away and I do like text in this amendment. The amendment I was going to propose allowed a school district to pilot another system determined to be comparable by SLEDS committee. The intent

is if three schools want to pilot a system, there is an opportunity for the SLEDS committee to determine in that is a reasonable thing to do. That is what that amendment was for. The amendment should complement this amendment. If we could hold this until this afternoon, I will grab that and bring it to the afternoon session.

Chairman Schaible: We'll stand at ease until 9:30.

Education Committee
Sheyenne River Room, State Capitol

SB 2101
1/29/2019
31700

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the student information system.

Minutes:

Att. #1-Davison

Chairman Schaible: We need to revisit SB 2101.

Senator Davison: We are trying to remove the word PowerSchool out of the century code. We are also moving the authority to the statewide longitudinal data system (SLEDS) committee in regards to the approval of the statewide data and information system. In section 2, under a) the district has acquired and is using the student information system determined to be comparable by the SLEDS committee. The purpose of a) is to remove the vendor name (PowerSchool) from century code. The other part it is we want one system and yet to have a little bit of leverage as we move forward that the current vendor keep up with the process and the needs of the state to allow a district or districts to collaborate to pilot something else. The SLEDS committee has to determine if the bar is reached by those schools that want to pilot and different grading or scheduling system they will need cover the costs of the different student information system themselves. That is what amendment 19.8067.01001 does.

Chairman Schaible: We will need to rescind the motion to adopt amendment 19.8067.01002 and adopt the new amendment.

Vice-Chairman Fors: Senator Schaible, I move to rescind the adoption of 19.8067.01002.

Senator Rust: Second.

Motion carried. 7 Yeas; 0 Nays; 0 Absent.

Motion by Davidson, second by Marcellais to adopt amendment 19.8067.01001.

Motion carried.

Motion by Davison, second by Oban

Motion carried: 7 Yeas; 0 Nays; 0 Absent.

Senator Elkin will carry the bill.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2101

Page 1, line 1, after "to" insert "create and enact a new subsection to section 54-59-34 of the North Dakota Century Code, relating to the student information system; and to"

Page 1, after line 19, insert:

"**SECTION 2.** A new subsection to section 54-59-34 of the North Dakota Century Code is created and enacted as follows:

The statewide longitudinal data system committee shall determine the state student information system administered by the information technology department."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2101

Page 1, line 15, overstrike "superintendent of public instruction" and insert immediately thereafter "statewide longitudinal data system committee"

Page 1, line 17, overstrike ", in" and insert immediately thereafter ":

a.	The district has acquired and is using a student information system determined to be comparable by the statewide longitudinal data system committee; or
b.	In"

Renumber accordingly

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. _____SB 2101_

Senate _Education_ _____ Committee

□ Subcommittee

Amendment LC# or Description: _____LC 19.8067.01002_____

Recommendation: ☑ Adopt Amendment
　　　　　　　　　□ Do Pass　　□ Do Not Pass　　□ Without Committee Recommendation
　　　　　　　　　□ As Amended　　　　　　　　　□ Rerefer to Appropriations
　　　　　　　　　□ Place on Consent Calendar
Other Actions:　　□ Reconsider　　　　　　　　□ _____

Motion Made By _____Fors_____ Seconded By _____Rust_____

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total　　(Yes) _____7_____ No _____0_____

Absent _____0_____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. _____ SB 2101**

Senate Education _____ Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass   ☐ Do Not Pass   ☐ Without Committee Recommendation
☐ As Amended   ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider   ☑ _Rescind Motion_

Motion Made By _____Fors_____   Seconded By _____J. Rust_____

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total   (Yes) _____7_____   No _____0_____

Absent _____0_____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Motion to Rescind   19.8067.01002

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. _SB 2101_

Senate __Education__ Committee

☐ Subcommittee

Amendment LC# or Description: _____ 19.8067.01001 _____

Recommendation: ☑ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) _____ 7 _____ No _____ 0 _____

Absent _____ 0 _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. _____ SB 2101

Senate   Education _____ Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☑ Do Pass   ☐ Do Not Pass   ☐ Without Committee Recommendation
☑ As Amended   ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider   ☐ _____

Motion Made By ___Davison___   Seconded By ___Oban___

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total   (Yes) ___7___   No ___0___

Absent _____0_____

Floor Assignment _____Elkin_____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2101: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "superintendent of public instruction" and insert immediately thereafter "statewide longitudinal data system committee"

Page 1, line 17, overstrike ", in" and insert immediately thereafter ":

    a.   The district has acquired and is using a student information system determined to be comparable by the statewide longitudinal data system committee; or

    b.   In"

Renumber accordingly

2019 HOUSE EDUCATION

SB 2101

Education Committee
Coteau A Room, State Capitol

SB 2101
3/4/2019
33140

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:
A bill relating to the student information system

Minutes: Attachment 1, 2, 3

Vice Chairman Cynthia Schreiber-Beck: Opened the hearing on SB 2101.

Rosie Kloberdanz, Director, ND Education Technology Council & Director, EduTech within Information Technology Department: (Attachment 1)

Vice Chairman Cynthia Schreiber-Beck: Any questions from the committee?   Others in support?

Robert Baumann, Team Manager, North Dakota EduTech Power School: (Attachment 2) In showing you the model of the student data solution for the state of North Dakota you would understand the importance of keeping a consistent student information system in all districts across the state. Power School would serve as the foundation for that system in that every night data from the student information system is pulled through the statewide longitudinal data system through a process called the SLDS ETL (extract, transform, load). It is a very complicated process and took a large amount of resources to development so that this system works for the state of North Dakota. Once data is in the SLDS, what it provides to other systems in the state is unparalleled in the country. When we speak to other states about what we have in place, they marvel at how far advanced we are in using student data. The benefits it provides to school districts, the SLDS application itself in helping school districts make informed decisions on data rather than by the seat of the pants is incredible.

The other applications, the eTranscript system, in the state of North Dakota, is unrivalled in this country. The ability for students and parents to access the eTranscipts and know where their students are at in meeting the requirements for either the state academic or the CTE scholarship again is unparalleled. That arrow that moves data from Power School up to the SLDS (on the attachment) - if we allow districts to make their own choice as to what student information system they want to use, that breaks and everything above it breaks. That would be a terrible disservice to the students of the state of North Dakota.

Vice Chairman Cynthia Schreiber-Beck: Any further questions? Essentially, everything is intact right now? We really don't want to change anything other than some wording?

Robert Baumann: Yes. As Ms. Kloberdanz mentioned, Power School started out as an application, a product. In the process of a business transaction, it now is a vendor, owned by Vista Equity Partners. It makes sense that you don't want a vendor name in legislation because eventually Vista Equity is going to reach that point where Power School LLC becomes a profitable sale and they will do that. Very likely, someone might change its name. Moving toward that point when districts would have the ability to make a decision, current technical standards are moving in that direction and when they get there, ITD and the SLDS would be happy to help those districts with their student information systems. For right now, it's imperative we stay with a consistent system across the state.

Vice Chairman Cynthia Schreiber-Beck: Any further questions? Others in support?

Aimee Copas, NDCEL: (**Attachment 3)** I am a member of the SLDS Committee.

Vice Chairman Cynthia Schreiber-Beck: Any others in support? Any in opposition? Any neutral testimony? Close hearing on SB 2101.

2019 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau A Room, State Capitol

SB 2101
3/6/2019
33354

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Bev Monroe

Explanation or reason for introduction of bill/resolution:
A bill relating to the student information system

Minutes: **Committee work**	Attachment 1

Chairman Owens: Opened for committee work.

Vice Chairman Cynthia Schreiber-Beck: I believe we have an amendment that was brought forward to us, a proposed amendment on the back of NDCEL and I would like everyone to look at it before we do anything further with the bill. (**Attachment 1**)

Page 1, line 20 of the bill, after compatible with, because it says comparable with, the statewide longitudinal data system ~~committee.~~

Chairman Owens: Currently, the bill says comparable by the statewide committee, as opposed to compatible with the statewide longitudinal data system and delete committee. The way it was originally written you are asking if a computer information is comparable with a committee.

Vice Chairman Cynthia Schreiber-Beck: Yes, comparable with a statewide data system committee. I believe that was a good catch. I would like to offer that **amendment** to SB 2101.

Representative Denton Zubke: I'll **second** it.

Chairman Owens: There is a SLDS committee for the statewide longitudinal data base, but I don't know how an information system is comparable to a committee.   We're saying one system is compatible with another system.

Seeing no further discussion, I'll entertain a **Voice Vote.   Motion carried** and the **amendment** passes.

You have an amended bill before you, what is the committee's wishes?

Rep. Longmuir: I will make a motion for a **Do Pass as Amended**.

Rep. Dennis Johnson: I'll **second** the motion.

Chairman Owens: Any discussion?

A Roll Call Vote was taken. **Yes 12, No 0, Absent 2**. A **Do Pass as Amended** carries.
Rep. Strinden will carry SB 2101.

DP 3/6/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2101

Page 1, line 20, replace "comparable by" with "compatible with"

Page 1, line 20, remove "committee"

Renumber accordingly

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2101

House   Education   Committee

☐ Subcommittee

Amendment LC# or Description: 19.8067.02001

Recommendation: ☒ Adopt Amendment
                   ☐ Do Pass   ☐ Do Not Pass   ☐ Without Committee Recommendation
                   ☐ As Amended   ☐ Rerefer to Appropriations
                   ☐ Place on Consent Calendar
Other Actions: ☐ Reconsider   ☐ _____

Motion Made By _Rep. Schreiber - Beck_ Seconded By _Rep. Zubke_

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens			Rep. Guggisberg		
V. Chair. Schreiber-Beck			Rep. Hager		
Rep. Heinert					
Rep. Hoverson					
Rep. D. Johnson					
Rep. M. Johnson					
Rep. Johnston					
Rep. Longmuir					
Rep. Marschall					
Rep. Pyle					
Rep. Strinden					
Rep. Zubke					

Total   (Yes) _____   No _____

Absent   _____

Floor Assignment   _VOICE VOTE - MOTION CARRIED_

If the vote is on an amendment, briefly indicate intent:

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2101

House Education   Committee

☐ Subcommittee

Amendment LC# or Description: ___19.8067.02001___

Recommendation: ☐ Adopt Amendment
                 ☒ Do Pass   ☐ Do Not Pass   ☐ Without Committee Recommendation
                 ☒ As Amended   ☐ Rerefer to Appropriations
                 ☐ Place on Consent Calendar
Other Actions: ☐ Reconsider   ☐ _____

Motion Made By __Rep. Longmuir__ Seconded By __Rep. D. Johnson__

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson	A				
Rep. D. Johnson	✓				
Rep. M. Johnson	A				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	✓				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total   (Yes) ___12___   No ___0___

Absent ___2___

Floor Assignment ___Rep. M. Strinden___

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE
SB 2101, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "comparable by" with "compatible with"

Page 1, line 20, remove "committee"

Renumber accordingly

2019 TESTIMONY

SB 2101

<div align="center">

SB 2101 TESTIMONY
SENATE EDUATION COMMITTEE
BY: DUANE SCHELL, CHIEF TECHNOLOGY OFFICER
INFORMATION TECHNOLOGY DEPARTMENT (ITD)
JANUARY 7, 2019

</div>

Mr. Chairman and members of the committee, my name is Duane Schell. I am the Chief Technology Officer at the Information Technology Department (ITD). I am here to express ITD support for Senate Bill 2101.

Our intent for this bill is for administrative clean-up to NDCC 15.1-07-33 whereby we propose replacing the name of a vendor and product and clarify with appropriate language.

Currently embedded within both subsection one and subsection two is the term PowerSchool. This word is the name of the vendor as well as the name of the product currently utilized as the student information system deployed statewide across the K-12 education community. During the past interim it was brought to our attention that having a product name embedded in NDCC may not be ideal. As such, it is our intent to remove the word "PowerSchool" and replace it with the phrase "state student information system".

You will also notice that we have proposed a change of the word "acquire" as well. This change is to recognize the current practices and funding strategy for this solution. When this language was originally created, the K-12 community was required to acquire the product from the state. Since that time the funding strategy has changed, with ITD receiving state general funds to support the program and the word acquire is no longer an accurate depiction of the process.

This concludes my prepared remarks. I would be happy to answer any questions.

Duane Schell
Chief Technology Officer
Information Technology Department
701.328.4360
dschell@nd.gov

Mandan Public School District
District Offices

Date: Monday, January 7, 2019

To: North Dakota Senate Education Committee

From: Jeff Fastnacht, Asst. Superintendent

Re: Support for SB 2101

Good Morning Chairman Schaible and members of the committee. I am Jeff Fastnacht, Asst. Superintendent at Mandan Public School and today I am speaking to you as the Chairman of the ND Education Technology Council (ETC).

The ETC Council has discussed for years this aspect of legislation and the specific naming of "PowerSchool" in statute. As you are aware the ETC provides guidance to ITD as to its management of PowerSchool as well as we are the governing board for EduTech. So, we have an unique understanding of the benefits and needs for a robust student information system.

Council members brought this concern to us asking the council to support the removal of "PowerSchool" from being specifically named in this statute. This is not due to a direct dissatisfaction with PowerSchool. It was a belief that no specific vendor should be outlined in statute. In addition, the council felt that along with continual review, alternative vendors should be considered if for nothing else to "keep PowerSchool honest".

The ND ETC is in support of this bill but would ask for one amendment. This amendment would spell out the needed collaborative process to review and choose a new student information system. In full disclosure Mr. Sipes did address this at our most recent ETC meeting and did state that ITD would want to work with all stakeholders to do this. Personally, I trust Mr. Sipes and know that he would want to include schools, NDETC, NDATL, NDCEL, DPI, and other stakeholders in a review process. However, I do believe it would be better to spell this cooperation out in statute. A draft of such an amendment is being provided for your review.

I would stand for any questions from the committee but would ask the chair to consider asking Mrs. Lisa Feldner to the stand to provide a needed history lesson on how PowerSchool was initially codified in statute.

Thank you for your time this morning.

ORIGINAL

✵NDCEL

Suggested Amendment to SB 2101

1/7/2019

Section 1 Amendment – *add the following two subsections*

3. Any adjustments to amend the current student information system shall be done by recommendation from a sub-committee of the ND Statewide Longitudinal Data System board represented by at minimum representatives from the ND Department of Public Instruction, ND Department of Career and Technical Education, ND Education Technology Council, ND Council of Educational Leaders, and the ND Association of Technology Leaders.

4. The state shall fund the student information system through the NDDPI budget.

SB 2101
1-29-29
Att #1
p 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2101

Page 1, line 1, after "to" insert "create and enact a new subsection to section 54-59-34 of the North Dakota Century Code, relating to the student information system; and to"

Page 1, after line 19, insert:

> "**SECTION 2.** A new subsection to section 54-59-34 of the North Dakota Century Code is created and enacted as follows:

>> The statewide longitudinal data system committee shall determine the state student information system administered by the information technology department."

Renumber accordingly

Sixty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2101

Introduced by

Education Committee

(At the request of the Information Technology Department)

1   A BILL for an Act to amend and reenact section 15.1-07-33 of the North Dakota Century Code,

2   relating to the student information system.

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

4   **SECTION 1. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is

5   amended and reenacted as follows:

6   **15.1-07-33. Student information system - Exemption.**

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

8   public instruction, the information technology department, or the North Dakota

9   educational technology council, each school district shall ~~acquire PowerSchool~~

10   ~~through~~implement the state student information system administered by the

11   information technology department and use it as its principal student information

12   system. Each school district shall use a state course code, assigned by the

13   department of public instruction, to identify all local classes in ~~PowerSchool~~the state

14   student information system.

15   2.   The ~~superintendent of public instruction~~statewide longitudinal data system committee

16   may exempt a school district from having to ~~acquire~~implement and utilize

17   ~~PowerSchool~~the state student information system if the school district demonstrates

18   that~~, in~~:

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

20   be comparable by the statewide longitudinal data system committee; or

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

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

23   be comparable by the superintendent.

SB 2101 TESTIMONY
SENATE EDUCATION COMMITTEE
BY: ROSI KLOBERDANZ
DIRECTOR OF THE ND ETC AND EDUTECH
INFORMATION TECHNOLOGY DEPARTMENT (ITD)
MARCH 4, 2019

Mr. Chairman and members of the committee, my name is Rosi Kloberdanz. I am the Director of the North Dakota Education Technology Council and the Director of EduTech within the Information Technology Department (ITD). I am here to express support for Senate Bill 2101.

Our intent for this bill is for administrative clean-up to NDCC 15.1-07-33 whereby we propose replacing the name of a vendor and product and clarify with appropriate language.

Currently embedded within both subsection one and subsection two is the term PowerSchool. This word is the name of the vendor as well as the name of the product currently utilized as the student information system deployed statewide across the K-12 education community. During the past interim it was brought to our attention that having a product name embedded in NDCC may not be ideal. As such, it is our intent to remove the word "PowerSchool" and replace it with the phrase "state student information system".

You will also notice that we have proposed a change of the word "acquire" as well. This change is to recognize the current practices and funding strategy for this solution. When this language was originally created, the K-12 community was required to acquire the product from the state. Since that time the funding strategy has changed, with ITD receiving state general funds to support the program and the word acquire is no longer an accurate depiction of the process.

Since this bill was originally introduced you will notice some amendments. We would like to submit to the committee for your consideration an additional minor amendment to the new language. We are proposing that the language on line 20 "comparable by" be replaced with "compatible with" and remove the word "committee". We believe this more accurately reflects the intention of the new language.

This proposed amendment is attached to this testimony.

This concludes my prepared remarks. I would be happy to answer any questions.

Rosi Kloberdanz
Director, North Dakota Education Technology Council
Director, EduTech Division
Information Technology Department
701.451.7411
Rosi.Kloberdanz@k12.nd.us

PROPOSED AMENDMENTS TO SENATE BILL NO. 2110

Page 1, line 20, replace "comparable by" with "compatible with"

Page 1, line 20, remove "committee"

A BILL for an Act to amend and reenact section 15.1-07-33 of the North Dakota Century Code, relating to the student information system.
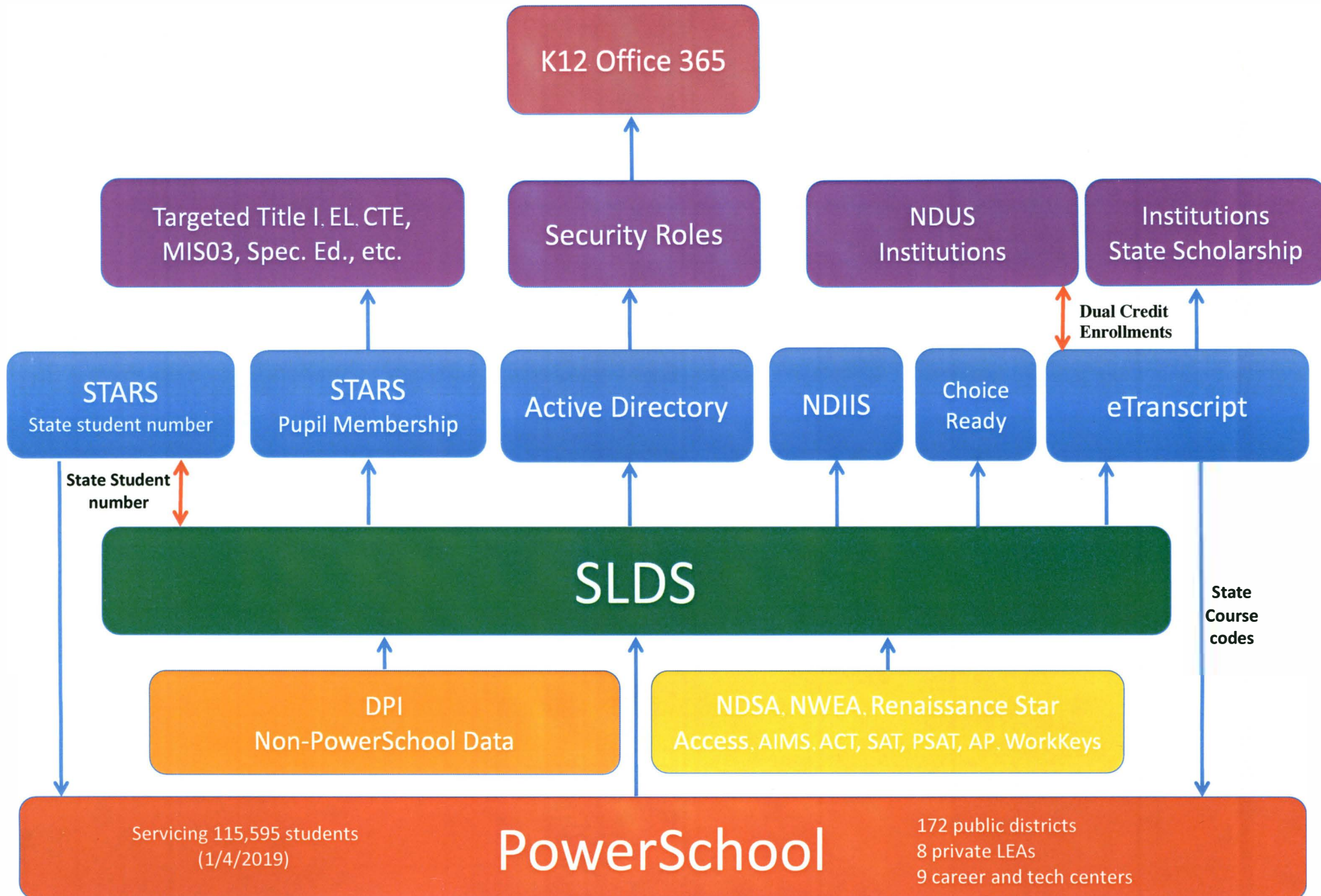
BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-33. Student information system - Exemption.
1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall ~~acquire PowerSchool through~~ implement the state student information system administered by the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in ~~PowerSchool~~ the state student information system.

2. The ~~superintendent of public instruction~~ statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~ implement and utilize ~~PowerSchool~~ the state student information system if the school district demonstrates that, ~~in~~:
    a. The district has acquired and is using a student information system determined to be ~~comparable by~~ compatible with the statewide longitudinal data system ~~committee~~; or
    b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

ND STUDENT DATA FLOW

K12 Office 365

Targeted Title I. EL. CTE, MIS03, Spec. Ed., etc.

Security Roles

NDUS Institutions

Institutions State Scholarship

Dual Credit Enrollments

STARS
State student number

STARS
Pupil Membership

Active Directory

NDIIS

Choice Ready

eTranscript

State Student number

SLDS

State Course codes

DPI Non-PowerSchool Data

NDSA. NWEA. Renaissance Star Access. AIMS. ACT, SAT, PSAT, AP. WorkKeys

PowerSchool

Servicing 115,595 students (1/4/2019)

172 public districts
8 private LEAs
9 career and tech centers

①

⊕NDCEL

SB 2101

   Good afternoon House Education Committee, I stand before you to discuss HB 2101 representing the North Dakota Council of Educational Leaders which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members.

   This bill underwent significant conversation on the Senate Side. In its initial iteration there were concerns about ensuring that the credit for education spending stayed with education for the legislature. There was also concern about protecting the integrity of our SLDS system and ensuring that software systems that interact with the SLDS can appropriately work with our system.

   The amendments that are being suggested to be integrated into this bill are appropriate and ones that we can support. With the additional oversight provided by the SLDS Board/Committee to ensure that any pilot program can appropriately integrate with the SLDS system is a critical component of this bill.

   If this body feels it to be appropriate to adopt the suggested amendments, NDCEL can support SB 2101.

PROPOSED AMENDMENT – SB 2101:

2. The ~~statewide~~ longitudinal data system committee may exempt a school district from having to implement and utilize the state student information system if the school district demonstrates that:

a. The district has acquired and is using a student information system determined to be ~~comparable by~~ <u>compatible with</u> the statewide longitudinal data system ~~committee~~; or

b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent

②

PROPOSED AMENDMENT – SB 2101:

2. The ~~statewide~~ longitudinal data system committee may exempt a school district from having to implement and utilize the state student information system if the school district demonstrates that:

a. The district has acquired and is using a student information system determined to be ~~comparable by~~ compatible with the statewide longitudinal data system ~~committee~~; or

b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent