

Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2326

Introduced by

Senators Poolman, Dever, Schaible

Representatives Nathe, Rohr, Schatz

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota~~  
2 ~~Century Code, relating to reportable data fields; and to amend and reenact section 15.1-02-18~~  
3 ~~of the North Dakota Century Code, relating to duties of the state longitudinal data system~~  
4 ~~committee.~~ for an Act to create and enact a new section to chapter 15.1-07 and seven new  
5 sections to chapter 54-59 of the North Dakota Century Code, relating to reportable data fields  
6 and the statewide longitudinal data system; to repeal sections 15.1-02-18, 15.1-02-18.1, and  
7 15.1-02-18.2 of the North Dakota Century Code, relating to the statewide longitudinal data  
8 system; and to provide for a continuing appropriation.

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

10 ~~**SECTION 1. AMENDMENT.** Section 15.1-02-18 of the North Dakota Century Code is~~  
11 ~~amended and reenacted as follows:~~

12 ~~**15.1-02-18. Statewide longitudinal data system committee -- Membership -- Powers and**~~  
13 ~~**duties -- Report to interim committee -- Continuing appropriation.**~~

14 ~~1. The statewide longitudinal data system committee consists of:~~

15 ~~a. The chancellor of the board of higher education or the chancellor's designee;~~  
16 ~~b. The superintendent of public instruction or superintendent of public instruction's~~  
17 ~~designee;~~  
18 ~~c. The chief information officer or the chief information officer's designee;~~  
19 ~~d. The director of the department of career and technical education or the director's~~  
20 ~~designee;~~  
21 ~~e. The director of job service North Dakota or the director's designee;~~  
22 ~~f. The commissioner of commerce or the commissioner's designee;~~  
23 ~~g. The director of the department of human services or the director's designee;~~  
24 ~~h. The director of the North Dakota educational technology council;~~

- 1 ~~\_\_\_\_\_ i. The director of the North Dakota council of educational leaders or the director's~~  
2 ~~designee;~~
- 3 ~~\_\_\_\_\_ j. The director of the North Dakota workforce development council or the director's~~  
4 ~~designee; and~~
- 5 ~~\_\_\_\_\_ k. Two members of the legislative assembly appointed by the chairman of the~~  
6 ~~legislative management.~~
- 7 ~~\_\_\_\_\_ 2. The governor shall appoint designate the chairman of the committee.~~
- 8 ~~\_\_\_\_\_ 3. The committee may appoint additional committees to work groups and task forces to~~  
9 ~~serve the committee in an advisory capacity.~~
- 10 ~~\_\_\_\_\_ 4. The committee shall manage a statewide longitudinal data system that:~~
- 11 ~~\_\_\_\_\_ a. Provides for the dissemination of management information to stakeholders and~~  
12 ~~partners of state education, training, and employment systems; and~~
- 13 ~~\_\_\_\_\_ b. Uses data from educational and workforce systems as central sources of~~  
14 ~~statewide longitudinal data.~~
- 15 ~~\_\_\_\_\_ 5. The committee shall set policy and adopt rules relating to access to and the collection,~~  
16 ~~storage, and sharing of information and the systems necessary to perform those~~  
17 ~~functions, subject to applicable federal and state privacy laws and interagency~~  
18 ~~agreements and restrictions relating to confidential information required to conform to~~  
19 ~~applicable federal and state privacy laws. The committee shall provide operational~~  
20 ~~oversight for information sharing activities and make recommendations for and provide~~  
21 ~~oversight of information sharing budgets.~~
- 22 ~~\_\_\_\_\_ 6. The committee, in consultation with the information technology department, shall:~~
- 23 ~~\_\_\_\_\_ a. Establish the terms and conditions under which a person may be authorized to~~  
24 ~~access data through the statewide longitudinal data system;~~
- 25 ~~\_\_\_\_\_ b. Direct that all statewide longitudinal data system administrators implement~~  
26 ~~approved data protection practices to ensure the security of electronic and~~  
27 ~~physical data, provided that the practices include requirements for encryption and~~  
28 ~~staff training;~~
- 29 ~~\_\_\_\_\_ c. Provide for biennial privacy and security audits of the statewide longitudinal data~~  
30 ~~system;~~

1 ~~\_\_\_\_\_ d. Establish protocols, including procedures, for the notification of students and~~  
2 ~~parents, in the event of a data breach involving the statewide longitudinal data~~  
3 ~~system;~~

4 ~~\_\_\_\_\_ e. Require that data retention and disposition by the statewide longitudinal data~~  
5 ~~system be governed by the same policies as those instituted for the information~~  
6 ~~technology department; and~~

7 ~~\_\_\_\_\_ f. Require the provision of annual training regarding data protection to any~~  
8 ~~individuals who have access to the statewide longitudinal data system, including~~  
9 ~~school district employees, employees of the North Dakota university system~~  
10 ~~office and institutions under the control of the state board of higher education,~~  
11 ~~and elected or appointed state or local governmental officials.~~

12 ~~\_\_\_\_\_ 7. The committee may authorize studies to benefit and improve workforce training and~~  
13 ~~education.~~

14 ~~\_\_\_\_\_ 6.8. The committee shall provide a report to the information technology committee, interim~~  
15 ~~committee on education issues, and interim committee on economic development on~~  
16 ~~the status of, regarding the statewide longitudinal data system. The report must~~  
17 ~~include recommendations for further development, cost proposals, proposals for~~  
18 ~~legislation, and data sharing governance.~~

19 ~~\_\_\_\_\_ 7.9. The committee may solicit and receive moneys from public and private sources and~~  
20 ~~those funds are appropriated on a continuing basis for the support of the statewide~~  
21 ~~longitudinal data system.~~

22 ~~\_\_\_\_\_ **SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is created~~  
23 ~~and enacted as follows:~~

24 ~~\_\_\_\_\_ **Data field – Reportable – List.**~~

25 ~~\_\_\_\_\_ Prior to the beginning of each school year, a school district shall publish on its website a list~~  
26 ~~of all data fields that the district will report in PowerSchool or in any other state automated~~  
27 ~~reporting system, during the ensuing school year. Each district shall make the list available in~~  
28 ~~printed form, upon request.~~

29 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created  
30 and enacted as follows:

1 **Protection of student data - School district policy.**

2 1. The board of each school district shall adopt a policy regarding the protection of  
3 student data.

4 2. The policy must require that permission be obtained from the board before any student  
5 data is shared with an individual who is not a school district employee or shared with  
6 any other entity. This provision does not apply to the sharing of data with a student's  
7 parent or to the sharing of data, if required by law.

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

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

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

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

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

15 **Statewide longitudinal data system committee - Membership.**

16 1. The statewide longitudinal data system committee consists of:

17 a. The commissioner of the board of higher education or the commissioner's  
18 designee;

19 b. The superintendent of public instruction or the superintendent's designee;

20 c. The chief information officer or the officer's designee;

21 d. The director of the department of career and technical education or the director's  
22 designee;

23 e. The director of job service North Dakota or the director's designee;

24 f. The commissioner of commerce or the commissioner's designee;

25 g. The director of the department of human services or the director's designee;

26 h. The director of the North Dakota educational technology council;

27 i. The executive director of the North Dakota council of educational leaders or the  
28 executive director's designee;

29 j. The director of the North Dakota workforce development council or the director's  
30 designee; and

1 k. Two members of the legislative assembly appointed by the chairman of the  
2 legislative management.

3 2. The governor shall designate the chairman of the committee.

4 **SECTION 3.** A new section to chapter 54-59 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Statewide longitudinal data system committee - Duties.**

7 1. The statewide longitudinal data system committee shall manage a statewide  
8 longitudinal data system that:

9 a. Provides for the dissemination of management information to stakeholders and  
10 partners of state education, training, and employment systems; and

11 b. Uses data from educational and workforce systems as central sources of  
12 statewide longitudinal data.

13 2. The statewide longitudinal data system committee shall establish policies and adopt  
14 rules addressing access to and the collection, storage, and sharing of information and  
15 the systems necessary to perform those functions, subject to applicable federal and  
16 state privacy laws and interagency agreements and restrictions relating to confidential  
17 information required to conform to applicable federal and state privacy laws.

18 3. The statewide longitudinal data system committee shall provide operational oversight  
19 for information sharing activities and make recommendations for and provide oversight  
20 of information sharing budgets.

21 4. The statewide longitudinal data system committee in consultation with the information  
22 technology department shall:

23 a. Establish the terms and conditions under which a person may be authorized to  
24 access data through the statewide longitudinal data system;

25 b. Direct that all statewide longitudinal data system administrators implement  
26 approved data protection practices to ensure the security of electronic and  
27 physical data, provided that the practices include requirements for encryption and  
28 staff training;

29 c. Provide for biennial privacy and security audits of the statewide longitudinal data  
30 system;

1 d. Establish protocols, including procedures, for the notification of students and  
2 parents in the event of a data breach involving the statewide longitudinal data  
3 system;

4 e. Require that data retention and disposition by the statewide longitudinal data  
5 system be governed by the same policies as those instituted for the information  
6 technology department; and

7 f. Require the provision of annual training regarding data protection to any  
8 individuals who have access to the statewide longitudinal data system, including  
9 school district employees, employees of the North Dakota university system  
10 office and institutions under the control of the state board of higher education,  
11 and elected or appointed state or local governmental officials.

12 **SECTION 4.** A new section to chapter 54-59 of the North Dakota Century Code is created  
13 and enacted as follows:

14 **Statewide longitudinal data system committee - Powers.**

15 1. The statewide longitudinal data system committee may authorize studies to benefit  
16 and improve workforce training and education.

17 2. The statewide longitudinal data system committee may appoint additional work groups  
18 and task forces to serve in an advisory capacity.

19 **SECTION 5.** A new section to chapter 54-59 of the North Dakota Century Code is created  
20 and enacted as follows:

21 **Statewide longitudinal data system committee - Report to legislative management.**

22 During each interim the statewide longitudinal data system committee shall provide a report  
23 regarding the statewide longitudinal data system to one or more committees designated by the  
24 legislative management and shall provide recommendations for further development, cost  
25 proposals, proposals for legislation, and recommendations for data sharing governance.

26 **SECTION 6.** A new section to chapter 54-59 of the North Dakota Century Code is created  
27 and enacted as follows:

28 **Statewide longitudinal data system committee - Continuing appropriation.**

29 The statewide longitudinal data system committee may solicit and receive gifts, grants, and  
30 donations from public and private sources. Any moneys received in accordance with this section  
31 are appropriated on a continuing basis for the support of the statewide longitudinal data system.

1       **SECTION 7.** A new section to chapter 54-59 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Statewide longitudinal data system committee - Information technology department.**

4       1.   The information technology department, at the direction of the statewide longitudinal  
5       data system committee, shall maintain a statewide longitudinal data system among  
6       education, workforce, and training entities.

7       2.   The information technology department and the statewide longitudinal data system  
8       committee may, subject to federal and state privacy laws, enter interagency  
9       agreements, including agreements designating authorized representatives of the  
10       educational agencies participating in the system, pursuant to the Family Educational  
11       Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99].

12       3.   The information technology department shall staff and provide other necessary  
13       support to the statewide longitudinal data system committee.

14       **SECTION 8.** A new section to chapter 54-59 of the North Dakota Century Code is created  
15 and enacted as follows:

16       **State agencies - Mandatory provision of information - Confidentiality.**

17       1.   The information technology department may request from any state agency:

18       a.   All information required by 20 U.S.C. 9871(e)(2)(D); and

19       b.   Any other educational information the statewide longitudinal data system  
20       committee determines is required for a longitudinal data system to comply with  
21       state or federal law.

22       2.   Subject to applicable restrictions on the use and disclosure of confidential information  
23       required to comply with federal and state privacy laws, any state agency receiving a  
24       request for information under subsection 1 shall provide the information at the time  
25       and in the manner required by the information technology department.

26       **SECTION 9. REPEAL.** Sections 15.1-02-18, 15.1-02-18.1, and 15.1-02-18.2 of the North  
27 Dakota Century Code are repealed.