

FIRST ENGROSSMENT

ENGROSSED 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 subsection 1 of section 15.1-06-06, and sections
2 15.1-07-25.3 and 15.1-07-33 of the North Dakota Century Code, relating to protection of student
3 data and data sharing agreements; 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 1. To obtain certification that a public school is approved, the superintendent of the
8 district in which the school is located shall submit to the superintendent of public
9 instruction a compliance report verifying that:
- 10 a. Each classroom teacher is licensed to teach by the education standards and
11 practices board or approved to teach by the education standards and practices
12 board;
- 13 b. Each classroom teacher is teaching only in those course areas or fields for which
14 the teacher is licensed or for which the teacher has received an exception under
15 section 15.1-09-57;
- 16 c. The school meets all curricular requirements set forth in chapter 15.1-21;
- 17 d. The school participates in and meets the requirements of a review process that
18 is:
- 19 (1) Designed to improve student achievement through a continuous cycle of
20 improvement; and
21 (2) Approved by the superintendent of public instruction;

- e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
 - (1) Has no unremedied deficiency; or
 - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;
- f. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:
 - (1) Undergone a criminal history background check requested by the employing school district; or
 - (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board; and
- g. The school uses North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the superintendent of public instruction, to generate official transcripts.
- h. The school executed a data sharing agreement with the department under sections 15.1-07-25.3 and 15.1-07-33.

SECTION 2. AMENDMENT. Section 15.1-07-25.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The board of ~~each~~ school district shall adopt a policy regarding the protection of student data.
2. The policy must ~~require~~:
 - a. Require that permission be obtained from the board before any student data is shared with an individual who is not a school district employee or ~~shared with~~ any other entity. This provision does not apply to the sharing of data with a student's parent or ~~to the sharing of data, if required~~ as otherwise authorized by law.
 - b. Permit a school district to share student data with the state entity managing a student information system if the school district and the state entity have entered a data sharing agreement, subject to federal and state privacy laws. The data

1 sharing agreement must include a clause that designates the department as an
2 authorized representative of the school district under the Family Educational
3 Rights and Privacy Act of 1974 [20 U.S.C. 1232G] and title 34 Code of Federal
4 Regulations part 99 for purposes of the statewide longitudinal data system.

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

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

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

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

10 **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-07-33. Student information system - Exemption.**

13 1. Notwithstanding any other technology requirements imposed by the superintendent of
14 public instruction or the information technology department, each school district shall
15 implement the state student information system administered by the ~~information-~~
16 ~~technology department and~~, use it as its principal student information system, and
17 enter a data sharing agreement with the department of public instruction, subject to
18 federal and state privacy laws and section 15.1-07-25.3. Each school district shall use
19 a state course code, assigned by the department of public instruction, to identify all
20 local classes in the state student information system.

21 2. ~~The statewide longitudinal data system committees~~superintendent of public instruction
22 may exempt a school district from having to implement and utilize the state student
23 information system if the school district demonstrates that:

24 a. The district has acquired and is using a student information system determined to
25 be compatible with the statewide longitudinal data system; or

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

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