

**2025 HOUSE EDUCATION**

**HB 1357**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1357  
1/28/2025

Relating to protection of student data and data sharing agreements
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8:59 a.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

### Discussion Topics:

- Power school technology
- Infinite campus technology
- Clarification of language.

9:00 a.m. Representative Morton introduced the bill.

9:02 a.m. Amiee Copas, Executive Director, North Dakota Council of Educational Leaders, testified in favor and submitted testimony. #32046

9:08 a.m. KrisAnn Norby-Jahner, Legal Counsel, North Dakota School Boards Association, testified in favor and submitted testimony. #31798

9:15 a.m. Kristen Baesler, ND School Superintendent, testified in opposition and submitted testimony, #32114 #32115 #32123

9:31 Cory Mock, Chief Information Officer, NDIT, testified opposition.

9:33 a.m. Calvin Benson, ND Peace offer association, testified opposition.

### Additional written testimony:

Jeff Fastnacht, Superintendent, Bismarck Public Schools, submitted testimony in favor #31431

9:34 a.m. Chairman Heinert ends meeting

*Leah Kuball, Committee Clerk*

1 HB 1357- Data Sharing – by Dr. Jeff Fastnacht, Superintendent, Bismarck Public  
2 School District.

3 I stand in support of HB 1357. Student-level data, presently held within  
4 PowerSchool, has always been viewed as the property of the child/parent first.  
5 Schools were permitted to create, retain, and view large amounts of student data by  
6 the very premise that we were in the classroom with the child. Educators who worked  
7 with a child daily needed access to attendance, grades, behavior plans, IEPs, and  
8 more. That said, even within a school system, we provide safeguards and limitations  
9 to that access. An aide working in the room, who may also have access to  
10 PowerSchool, was not able to access lunch status or discipline records unless there  
11 was a need to know.

12 I support this bill by asking other state agencies, including NDDPI, NDIT, and  
13 others, to just define what you want access to, why, and how long you wish to access  
14 student data at the student level. We already report grade level and school level data  
15 via NDInsights, which is a premier portal for all to monitor the progress of our  
16 schools. However, with ever-growing concerns about data privacy and the changing  
17 landscape of technology, including the adoption of Infinite Campus, I feel it is only  
18 right to ask agencies, including the legislature, to provide a rationale for access  
19 versus just getting individual student grades, attendance, discipline records, and such  
20 without a data sharing agreement.



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

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**HB 1357**  
**Testimony of KrisAn Norby-Jahner**  
**House Education**  
**January 28, 2025**

Chair Heinert and members of the House Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in a neutral capacity, but in opposition of HB 1357 as currently written.

The NDSBA supports efforts to protect student data at all times, and our licensed attorneys field a number of questions and provide routine information and legal counsel to school districts related to the protection of student data throughout each year. Current federal laws already provide appropriate safeguards over student data and educational records and identify the proper methods that legally allow for the sharing of student data, including with other state and federal agencies. These federal laws include the Family Educational Rights and Privacy Act (FERPA), the Child Abuse Prevention and Treatment Act (CAPTA), the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act. A state law that would allow school districts to share student data with a state entity would be in direct conflict with federal laws that require eligible student or parent/guardian permission, absent very narrow exceptions and safeguards that are required to be put in place prior to disclosure. Overall, this bill does not provide adequate exception language that would bring state law in compliance with federal law.

For example, under FERPA regulations, eligible students or parents/guardians must typically provide consent for the release of educational records prior to release, except in narrow circumstances such as a health or safety emergency (34 CFR 99.31 (10)); when the disclosure is in compliance with a judicial order or lawfully issued subpoena (34 CFR 99.31 (9)); or when the disclosure is to a State and local official with authority to request the information (34 CFR 99.31 (5)). However, even in certain exception circumstances, FERPA regulations often require that the school district make a reasonable effort to notify the parent or eligible student in advance of compliance, so that the parent or eligible student may seek protective action in a court of law. HB 1357 does not allow for this type of parental notification prior to production.

In addition, other federal laws, including the ADA, the IDEA, Section 504, and CAPTA supersede FERPA in relation to records related to a student's confidential medical information, disability information, or information related to suspected child abuse or neglect. Disability-related laws provide for very limited exceptions for disclosure of confidential student information without eligible student or parent consent. CAPTA would allow for the release of certain student information when there is a suspected case of child abuse or neglect, specifically when a school district has filed a 960 report as part of mandated reporter requirements. However, CAPTA does not allow for the disclosure of *all* student records and only allows for information that a school district may have on file that is narrowly and directly related to the suspected child abuse or neglect. HB 1357 does not properly limit the type of student data that will be allowed to be released to a state entity.

When looking at suspected child abuse or neglect, in particular, federal regulations already allow for the production of records to a state or local educational authority with respect to federal or state-supported education programs under the "audit or evaluation" exception of FERPA (34 CFR 99.35). This is a FERPA exception that is sometimes cited by state agencies when requesting information (particularly as related to suspected child abuse or neglect). This exception would require school districts to disclose educational records when an agency is auditing or evaluating a federal- or state-supported education program. However, in order to use this exception, FERPA requires the school district and the state agency to enter into a written agreement with a number of requirements safeguarding the student's personally identifiable information (PII) from the education records. In this manner, HB 1357's requirement for a "data sharing agreement" is duplicative of federal regulations that already control student data, making the proposed state law unnecessary.

In addition, HB 1357 does not use the same language and safeguards required under FERPA in order to ensure that the student's PII is safeguarded when a school district makes a disclosure to a state entity. In accordance with FERPA regulations, in order to legally allow for the sharing of student data with a state entity for the sole purpose evaluating or auditing an educational program, without requiring individual parental consent for each disclosure, a data sharing agreement must include specific elements, including clear identification of the authorized representative, the specific purpose of the data sharing, data limitations, confidentiality provisions, data security measures, and termination clauses in the event FERPA regulations are violated. The U.S. Department of Education already monitors FERPA compliance related to the sharing of information with state-supported education programs and provides a very specific [Written Agreement Checklist](#) for school districts to follow.

That being said, if the intention of HB 1357 is to ensure that a "data sharing agreement" (which is already required under federal law) is mirrored in state law and more consistently followed by state entities

when requesting student data, then we would propose the following amendments to ensure continued compliance with applicable federal regulations (as outlined throughout this testimony):

**N.D.C.C. § 15.1-07-25.3. Protection of student data – School district policy.**

...

2. The policy must:

...

- b. Permit a school district to share student data with a state entity using a student information system or the state longitudinal dashboard system **only as allowed under the law and** if the school district and the state entity have entered **into a written data sharing agreement in accordance with applicable laws and regulations.**

Based on the foregoing reasons, NDSBA asks this Committee for a **do not pass** recommendation on the bill as written and consider making amendments. Thank you for your time.



NDCEL Testimony in Support of HB 1357

Chairman Heinert and Members of the Committee, NDCEL is expressing our strong support for House Bill 1357, which aims to reinforce the protection of student data within North Dakota school districts by having this section of code. This legislation is essential in safeguarding the rights of students and parents by ensuring that student-level data remains secure at the district level unless a formal data-sharing agreement is in place.

Student data fundamentally belongs to the parent and the student, and it is imperative that it is handled with the highest level of protection and confidentiality. The Family Educational Rights and Privacy Act (FERPA) explicitly mandates that, without a valid data-sharing agreement, student data may not be shared with state agencies. This bill aligns with federal law by requiring school districts to establish clear policies that prevent unauthorized data sharing.

We have heard from our colleagues who are already utilizing the new student information system that will replace PowerSchool (Infinite Campus), and they have raised significant concerns about the necessity of these protections. Without explicit safeguards in place, student-level data may not be adequately protected, as intended under the State Longitudinal Data System (SLDS) portion of the North Dakota Century Code. Ensuring compliance with FERPA and SLDS regulations will provide the necessary structure to protect sensitive student information.

HB 1357 provides clear guidelines that prioritize data privacy by mandating that student data should not be shared with external entities unless a formal data-sharing agreement is in effect. Furthermore, FERPA mandates such agreements to ensure compliance with federal law, and the existing SLDS portion of code was established to protect student data at the district level. Based on what we have learned about Infinite Campus, the incoming student information system, it is evident that additional safeguards must be implemented to uphold these protections.

I have been working with Rep. Schreiber-Beck on a modest amendment to ensure the needed data arrives to the SLDS as appropriate, however the spirit of the language is important. We ask that the wording be as such to ensure the data is shared appropriately.

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 as otherwise required by law.

b. Permit a school district to share student data with ~~a state entity~~ **the State Longitudinal Data System** using a student information system or the state longitudinal dashboard system. **if the school district and the state entity have entered a data-sharing agreement.**

**TESTIMONY ON HB 1357  
HOUSE EDUCATION COMMITTEE**

**January 28, 2025**

**By: Kirsten Baesler, Superintendent of Public Instruction  
701-328-4570  
North Dakota Department of Public Instruction**

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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.



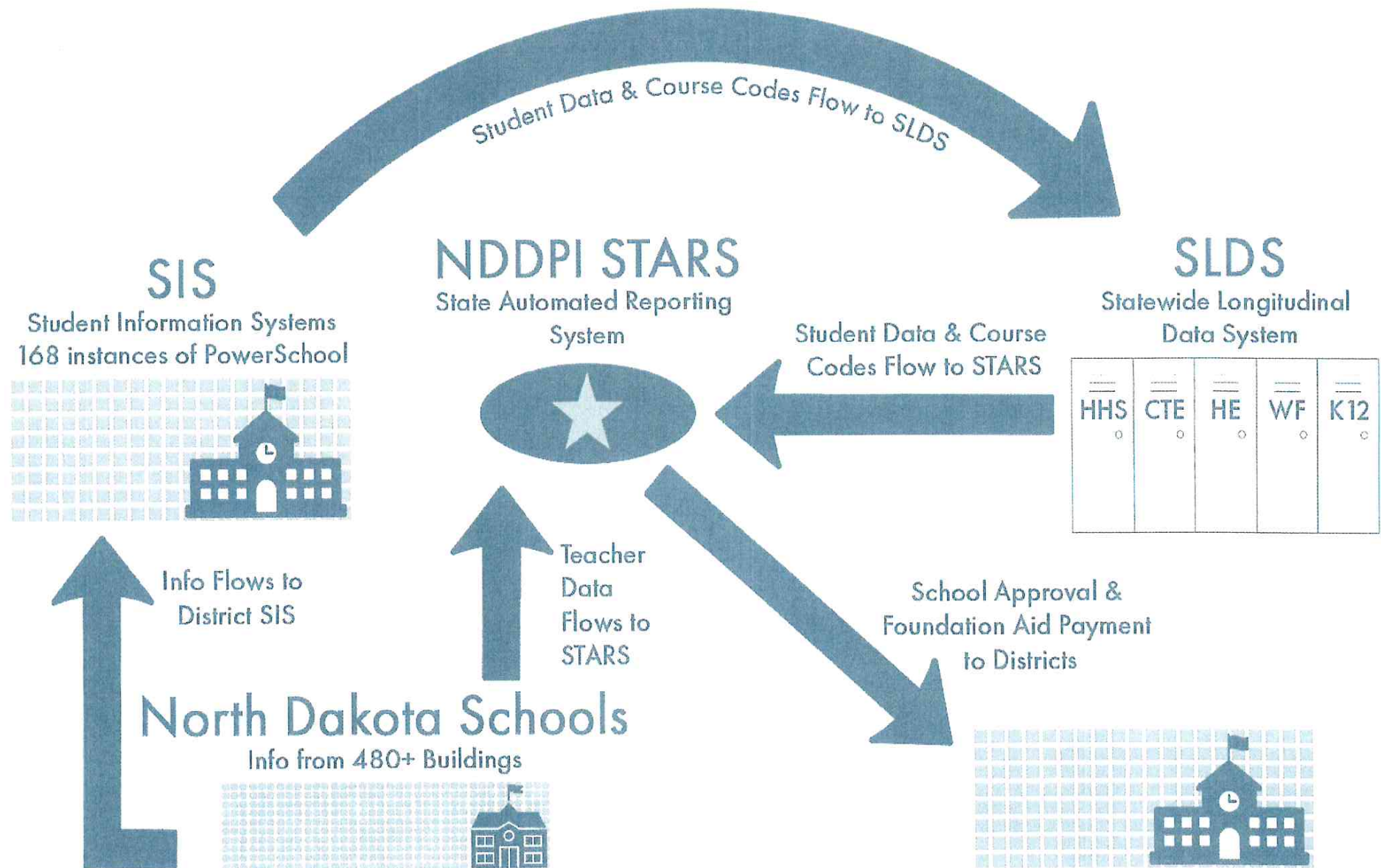
# Existing System

Through July 1, 2026



NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION

#32115



# Future System

Effective July 1, 2026



NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION

## Infinite Campus State Edition (STARS & SIS)

Appropriate Student & Teacher Data Shared  
to SLDS to join HHS, Higher Ed,  
& Workforce Data

## SLDS

Statewide Longitudinal  
Data System

HHS	CTE	HE	WF	K12

Schools Feed  
in Student,  
Course, &  
Teacher Data

State Aid Payments  
to Districts

## North Dakota Schools

Info from 480+ Buildings





25.1085.01000

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**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) 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 has executed an interagency data sharing agreement with the department pursuant to sections 15.1-07-25.3 and 54-59-39 for purposes of managing the statewide longitudinal data system.

**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 as otherwise required by law.

b. Permit a school district to share student data with a state entity using managing a student information system or, including the state longitudinal dashboard data system, if the school district and the state entity have entered an interagency data sharing agreement.

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

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

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

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

**SECTION 3. 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 or the information technology department, each school district shall implement the state student information system administered by the information technology department and use it as its principal student information system and shall enter an interagency data sharing agreement with the department. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.

2. The ~~statewide longitudinal data system committee~~ superintendent 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 compatible with the statewide longitudinal data system; 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.

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

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1357  
2/3/2025

A bill relating to protection of student data.
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10:30 a.m. Chairman Heinert opened the hearing.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Hager, Hatlestad, Hauck, Jonas, Longmuir, Maki, Marschall, Morton, Novak, Osowski  
Members absent: Representatives Conmy and Heilman

### Discussion Topics:

- Proposed amendment

10:31 a.m. Vice Chairman Schreiber-Beck discussed her proposed amendment 25.1085.01000, #33749.

10:36 a.m. Representative Hauck moved the amendment.

10:36 a.m. Representative Morton seconded the motion.

10:36 a.m. Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	AB
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

10:36 a.m. Motion passed 12-0-2

10:37 a.m. Representative Morton moved a Do Pass as Amended.

10:37 a.m. Representative Hauck seconded the motion.

10:38 a.m. Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	AB
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

10:38 a.m. Motion passed 12-0-2.

Representative Maki will carry the bill.

10:39 a.m. Chairman Heinert closed the hearing.

*Mary Brucker, Committee Clerk (for Leah Kuball)*



February 3, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

*JB 2-3-25  
10/3*

**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, 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



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

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

22 **15.1-07-25.3. Protection of student data - School district policy.**

- 23 1. The board of ~~each~~ school district shall adopt a policy regarding the protection of
- 24 student data.
- 25 2. The policy must ~~require~~:
- 26 a. Require that permission be obtained from the board before any student data is
- 27 shared with an individual who is not a school district employee or ~~shared with~~ any
- 28 other entity. This provision does not apply to the sharing of data with a student's
- 29 parent or ~~to the sharing of data, if as otherwise required~~ authorized by law.
- 30 b. Permit a school district to share student data with a ~~the~~ state entity
- 31 using ~~managing~~ a student information system ~~or the state longitudinal dashboard~~



July 30/3

system if the school district and the state entity have entered a data sharing agreement, subject to federal and state privacy laws. The data sharing agreement must include a clause that designates the department as an authorized representative of the school district under the Family Educational Rights and Privacy Act of 1974 [20 U.S.C. 1232G] and title 34 Code of Federal Regulations part 99 for purposes of the statewide longitudinal data system.

3. The policy must require the school district superintendent to compile:
  - a. A list of all individuals with whom, and entities with which, student data is shared; and
  - b. A list, by title, of all school district personnel who have access to student data.
4. A school district shall make copies of the policy available upon request.

**SECTION 3. 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 or the information technology department, each school district shall implement the state student information system administered by the ~~information technology~~ department ~~and~~, use it as its principal student information system, and enter a data sharing agreement with the department of public instruction, subject to federal and state privacy laws and section 15.1-07-25.3. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.
2. The ~~statewide longitudinal data system committee~~ superintendent of public instruction 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 compatible with the statewide longitudinal data system; 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.

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

**REPORT OF STANDING COMMITTEE  
HB 1357**

**Education Committee (Rep. Heinert, Chairman)** recommends **AMENDMENTS** ([25.1085.01001](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1357 was placed on the Sixth order on the calendar.



25.1085.01000

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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) 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 has executed a data sharing agreement with the department pursuant to section 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 as otherwise~~ required authorized by law.
  - b. Permit a school district to share student data with a ~~the~~ state entity using ~~managing~~ a student information system ~~or the state longitudinal dashboard system~~ if the school district and the state entity have entered a data sharing agreement, subject to federal and state privacy laws. The data sharing agreement must include a clause wherein the school district shall designate the department as an authorized representative pursuant to the Family Educational Rights Act [20 U.S.C. 1232G; 34 CFR 99] for purposes of the statewide longitudinal data system.

3. The policy must require the school district superintendent to compile:
  - a. A list of all individuals with whom, and entities with which, student data is shared; and
  - b. A list, by title, of all school district personnel who have access to student data.
4. A school district shall make copies of the policy available upon request.

**SECTION 3. 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 or the information technology department, each school district shall implement the state student information system administered by the ~~information technology department and~~ the department, use it as its principal student information system, and shall enter a data sharing agreement with the department, subject to federal and state privacy laws and pursuant to section 15.1-07-25.3. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.
2. The ~~statewide longitudinal data system committee~~ superintendent 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 compatible with the statewide longitudinal data system; 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.

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



**2025 SENATE EDUCATION**

**HB 1357**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Education Committee Room JW216, State Capitol

HB 1357  
3/5/2025

Relating to protection of student data and data sharing agreements; and to provide an effective date.

11:00 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

### Discussion Topics:

- Permission of school board
- Federal and state reporting
- Improvement of data flow process
- Provide guardrails and clarity of expectations

11:00 a.m. Representative Morton, District #46, introduced the bill.

11:05 a.m. Kirsten Baesler, Superintendent, ND Department of Public Instruction, testified in favor and submitted testimony #38906.

11:19 a.m. Kim Weis, Chief Data Officer ND Information Technology, testified in favor.

11:20 a.m. Kevin Hoherz, ND Council of Educational Leaders, testified in favor and submitted testimony #38806.

11:22 a.m. KrisAnn Norby-Jahner, In-House Legal Council ND School Board Association, testified neutral and submitted testimony #38679.

11:24 a.m. Senator Boschee moved Do Pass.

11:24 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Todd Beard	Y
Senator Randy D. Lemm	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y
Senator Mike Wobbema	Y

Motion Passed 6-0-0

Senator Axtman will carry the bill.

Senate Education Committee

HB 1357

3/05/2025

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11:27 a.m. Chairman Beard closed the hearing.

*Susan Helbling, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1357 ([25.1085.02000](#))**

**Education Committee (Sen. Beard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1357 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



**NDSBA**  
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BOARDS ASSOCIATION

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**HB 1357**  
**Testimony of KrisAnn Norby-Jahner**  
**Senate Education**  
**March 5, 2025**

Chair Beard and members of the Senate Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in a neutral capacity of HB 1357.

The NDSBA supports efforts to protect student data at all times, and our licensed attorneys field a number of questions and provide routine information and legal counsel to school districts related to the protection of student data throughout each year. Current federal laws provide appropriate safeguards over student data and educational records and identifies the proper methods that legally allow for the sharing of student data, including with other state and federal agencies. These federal laws include the Family Educational Rights and Privacy Act (FERPA), the Child Abuse Prevention and Treatment Act (CAPTA), the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act. Amendments that have been adopted into the current version of HB 1357 do limit the type of data that a school would be permitted to share and does require a data sharing agreement. That data sharing agreement would need to be created and executed in accordance with FERPA regulations.

For the Committee's understanding of FERPA regulations, students or parents/guardians must typically provide consent for the release of educational records prior to release, except in narrow circumstances such as a health or safety emergency (34 CFR 99.31 (10)); when the disclosure is in compliance with a judicial order or lawfully issued subpoena (34 CFR 99.31 (9)); when the disclosure is to a State and local official with authority to request the information (34 CFR 99.31 (5)); when the production of records is to a state or local educational authority with respect to federal or state-supported education programs under the "audit or evaluation" exception, under which a data sharing agreement must be created (34 CFR 99.35); etc. Even in certain exception circumstances, FERPA regulations often require that the school district make a reasonable effort to notify the parent or eligible student in advance of compliance, so that the parent or eligible student may seek protective action in a court of law.



It is the “audit and evaluation” exception under FERPA regulations that would likely apply when a school district is sharing student data with a state entity managing a student information system. This exception would require school districts to disclose educational records when an agency is auditing or evaluating a federal- or state-supported education program. However, in order to use this exception (without gaining parental consent or providing prior notification), FERPA requires the school district and the state agency to enter into a written agreement with a number of requirements safeguarding the student’s personally identifiable information (PII) from the education records. Requirements include clear identification of the authorized representative, the specific purpose of the data sharing, data limitations, confidentiality provisions, data security measures, and termination clauses in the event FERPA regulations are violated. The U.S. Department of Education monitors FERPA compliance related to the sharing of information with state-supported education programs and provides a very specific [Written Agreement Checklist](#) for school districts to follow.

Based on the foregoing reasons, NDSBA is neutral on this bill, but does ask this Committee to not remove any requirements regarding FERPA regulations. Thank you for your time.



## NDCEL Testimony in Support of HB 1357

Chairman Beard and Members of the Committee, NDCEL is expressing our strong support for House Bill 1357, which aims to reinforce the protection of student data within North Dakota school districts by having this section of code. This legislation is essential in safeguarding the rights of students and parents by ensuring that student-level data remains secure at the district level unless a formal data-sharing agreement is in place.

Student data fundamentally belongs to the parent and the student, and it is imperative that it is handled with the highest level of protection and confidentiality. The Family Educational Rights and Privacy Act (FERPA) explicitly mandates that, without a valid data-sharing agreement, student data may not be shared with state agencies. This bill aligns with federal law by requiring school districts to establish clear policies that prevent unauthorized data sharing.

We have heard from our colleagues who are already utilizing the new student information system that will replace PowerSchool (Infinite Campus), and they have raised significant concerns about the necessity of these protections. Without explicit safeguards in place, student-level data may not be adequately protected, as intended under the State Longitudinal Data System (SLDS) portion of the North Dakota Century Code. Ensuring compliance with FERPA and SLDS regulations will provide the necessary structure to protect sensitive student information.

HB 1357 provides clear guidelines that prioritize data privacy by mandating that student data should not be shared with external entities unless a formal data-sharing agreement is in effect. Furthermore, FERPA mandates such agreements to ensure compliance with federal law, and the existing SLDS portion of code was established to protect student data at the district level. Based on what we have learned about Infinite Campus, the incoming student information system, it is evident that additional safeguards must be implemented to uphold these protections.

**TESTIMONY ON HB 1357  
SENATE EDUCATION COMMITTEE**

**March 5, 2025**

**By: Kirsten Baesler, Superintendent of Public Instruction**

**701-328-4570**

**North Dakota Department of Public Instruction**

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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 support of HB 1357 as written.

In the original House version, NDIT, NDDPI, and other state entities with a vested interest in the SLDS expressed concerns about the bill as introduced. Laura Balliett, the Assistant Attorney General advising the SLDS group, echoed these concerns. Assistant Attorney General Balliett subsequently drafted an amendment to address the identified issues. The House Education Committee passed the amendment unanimously and then gave the bill a unanimous “do pass” recommendation. The House floor vote provided further support of 93 yea votes and zero nay.

But if I could today, I’d like to 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 that we are using is the Infinite Campus State Edition (ICSE). We hope to come up with a more unique and distinctly North Dakota name, but for now, it is ICSE. Migration from current STARS and SIS (PowerSchool) to ICSE will be completed 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.

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 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, I can walk through the amendments that were made in the House Education Committee and approved by the House if you would like or you can consider just the language as received which NDDPI fully supports.

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

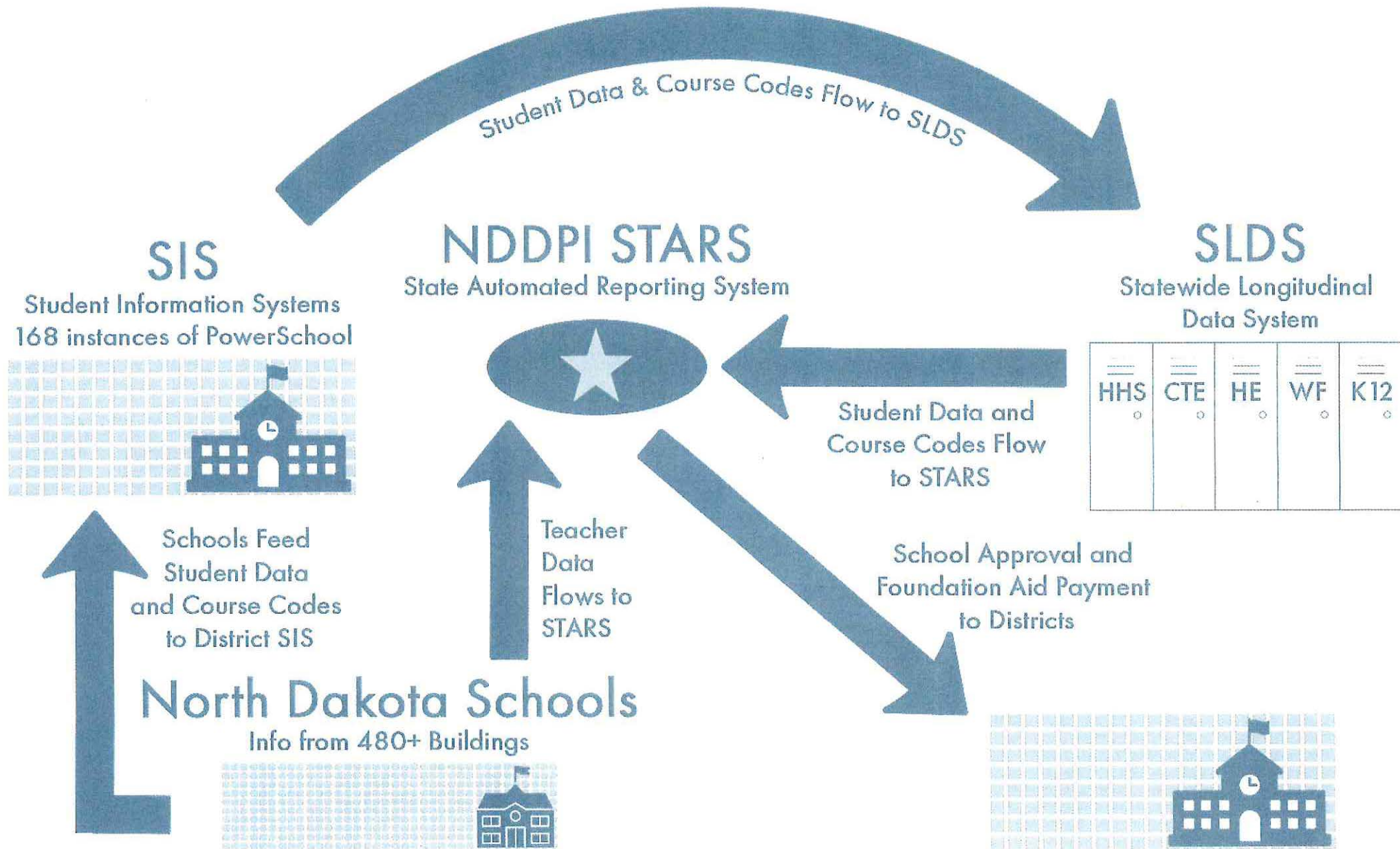


# Existing System

Through July 1, 2026



NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION





# Future System

Effective July 1, 2026



NORTH DAKOTA DEPARTMENT OF  
**PUBLIC INSTRUCTION**

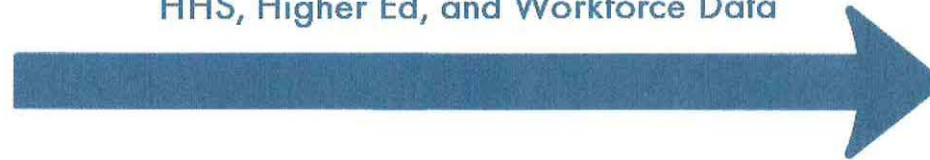
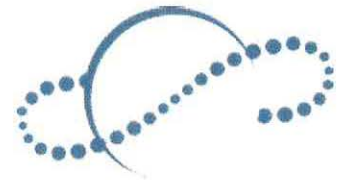
## NDDPI ICSE

Infinite Campus State Edition  
(Former STARS and SIS Combined)

Appropriate Student, Teacher Data,  
and Course Code Flows to SLDS to join  
HHS, Higher Ed, and Workforce Data

## SLDS

≡ HHS ○	≡ CTE ○	≡ HE ○	≡ WF ○	≡ K12 ○
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School Approval and Foundation Aid  
Payments Calculated in ICSE  
then Delivered to Districts

Schools Feed Teacher and  
Student Data and Course  
Codes to ICSE



## North Dakota Schools

Info from 480+ Buildings

