

HB 1542

Senate Education Committee

March 19, 2025

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Chair Beard and Members of the Senate Education Committee -

My name is Lisa Johnson. I serve as the Vice Chancellor for Academic and Student Affairs with the North Dakota University System (NDUS). I am submitting neutral testimony with proposed amendments to HB 1542 for the Committee's consideration. If adopted, the additional amendments would provide additional clarity and, in addition, reduce at least one area of conflict with another section of century code.

- The NDUS suggests replacing the word “confidential” with the word “exempt” throughout the bill. By replacing “confidential” with the “exempt” in the document, it enables admission office staff to exercise judgement as to whether or not to release information related to the student application. You would probably not be surprised to hear that a significant number of parents complete college applications on behalf of their son or daughter. These parents or guardians are the same individuals who frequently reach out to admission offices, mostly at the undergraduate level, to inquire as to whether a high school transcript, immunization records, application fees, or a scholarship request was received at the institution. If application information were designated as confidential, the admissions office staff would have no choice but to tell the parent that the institution is unable to assist them without some sort of signed release from the student. This is incredibly frustrating for a parent who is most likely footing some or all of the student tuition to attend college. As an “exempt” record, the campus could deny requests for directory information (name, email, etc) for the purposes of sales and marketing yet continue to respond to parent inquiries, aid in FAFSA completion, and support legitimate educational inquiries.
- It is recommended to include the phrase “prior to acceptance” on Line 8 of the enclosed screen shot on the next page. Once accepted, FERPA protections are applicable to students. The inclusion of this phrase provides a clear delineation in terms of when ND state protections and federal protections are applicable to the student record.
- The main sentence proposed to be struck in Line 9 of the enclosed screen shot eliminates a conflict with existing state statute in Section 15-10-44 (1)(g) that requires the retention of communications with students for a period of one year.
- Replacing the word “possess” with the phrase “access or re-disclose” replicates language used in FERPA policies and is better understood among those who work most closely with student records.

The NDUS offers these amendments to provide additional clarity and conformity with existing state statutes in a neutral manner and remains available for questions regarding HB 1542.

HOUSE BILL NO. 1542

Introduced by

Representatives Hendrix, Heilman, Heinert, Marschall, Murphy, Novak, Schreiber-Beck
Senators Cory, Wobbema

- 1 A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota
2 Century Code, relating to the confidentiality of student applications for admission to an
3 institution of higher education; and to declare an emergency.

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

- 5 **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Admissions applications to institutions of higher education – Confidential Exempt.**

- 8 A record related to an individual's application for admission **prior to acceptance** to an
institution of higher
9 education under the administration of the state board of higher education is **confidential exempt**
under chapter 44-04-18, except as otherwise provided by law. ~~The record, including a record~~
~~that has been disclosed under this chapter, must be destroyed upon request of the applicant or~~
~~the parent or guardian of an applicant who was under eighteen years of age at the time the~~
~~application was submitted.~~ An individual may not **possess access or re-disclose** a record that is
confidential exempt under this section for a reason other than carrying out regular duties as an
employee of an institution of higher education.

- 0 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.



Johnson, Lisa



With respect to institutions under the control of the SBHE, immediate destruction of an application record is in conflict with the current state document retention requirement to retain applications for a period of one year. 15-10-44 (1) (g)

March 10, 2025, 5:53 PM

Reply