

2025 HOUSE EDUCATION

HB 1542

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1542
2/12/2025

Relating to the confidentiality of student applications for admission to an institution of higher education; and to declare an emergency.

2:40 p.m. Chairman Heinert called the hearing 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:

- Confidential records
- University Security
- Open email communication

2:41 p.m. Representative Derick Hendricks introduced the bill.

2:47 p.m. Chairman Heinert closed the hearing.

2:47 p.m. Representative Morton moved a Do Pass.

2:47 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	N
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
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

Motion carried: 13-1-0

Bill carrier: Representative Marschall

House Education Committee

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2:50 p.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1542 ([25.0951.03000](#))

Education Committee (Rep. Heinert, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1542 was placed on the Eleventh order on the calendar.

2025 SENATE EDUCATION

HB 1542

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

HB 1542
3/19/2025

Relating to the confidentiality of student applications for admission to an institution of higher education; and to declare an emergency.

11:10 a.m. Vice Chairman Lemm called the hearing to order.

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

Members Absent: Chairman Beard, Senator Wobbema

Discussion Topics:

- Current open record law
- Protect applicant information
- Record retention policy

11:11 a.m. Representative Hendrix, District #10, introduced the bill and submitted testimony #43026.

11:25 a.m. Lisa Johnson, Vice Chancellor for Academic and Student Affairs North Dakota University System, testified neutral, answered committee questions and submitted testimony #42964.

11:39 a.m. Vice Chairman Lemm closed the hearing.

Susan Helbling, Committee Clerk



HB 1542

Senate Education Committee

March 19, 2025

Lisa A. Johnson, North Dakota University System
701-340-5054 | lisa.a.a.johnson@ndus.edu

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

Chair Beard & Members of the Senate Education Committee,

HB 1542 is a simple bill that fixes a "glitch" in our open records laws. Under 44-04-18 of ND Code and Section 311 of the Policy Manual of the State Board of Higher Education, all admissions records are open to the public.

44-04-18. Access to public records - Electronically stored information.

1. Except as otherwise specifically provided by law, all records of a public entity are public records, open and accessible for inspection during reasonable office hours.

<https://ndlegis.gov/cencode/t44c04.pdf>

Section 311 Policy. Except as otherwise specifically provided by law, all records of the State Board of Higher Education, the North Dakota University System, and its institutions are public records and should be open and accessible to inspection by the public.

https://ndusbpos.sharepoint.com/:w/s/NDUSPoliciesandProcedures/ERN5rKu-ibhPj-FAtM_KJq0B0HTSeSMY2enLVX3S_rilKA?e=yj9LVh

Admissions applications to institutions of higher education - Confidential.

1. A record related to an individual's application for admission to an institution of higher education under the administration of the state board of higher education is confidential, except as otherwise provided by law.
2. 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.
3. An individual may not possess a record that is confidential under this section for a reason other than carrying out regular duties as an employee of an institution of higher education.

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

<https://ndlegis.gov/assembly/69-2025/regular/documents/25-0951-03000.pdf>

First Sentence

The first sentence is meant to ensure that an applicant's information is confidential by making it exempt. Any member of the public can request the application records of anyone. This could be abused, for example, for the purpose of researching whether there's anything embarrassing in these records.

Second Sentence

The second sentence is meant to allow applicants to ensure their information is protected by requesting the destruction of their application. There are applicants whose records have already been disclosed without authorization from the applicant, which this language addresses.

Once an applicant has been admitted or denied, there's no longer need for the application. That's why schools destroy the application after a period of time. Under this bill, those retention periods will remain in place. Few students will even be aware of this option. But this bill simply provides an option for students who want to protect their privacy a way to do so.

Suppose an applicant includes information related to the application, such as a personal statement where the student might discuss embarrassing aspects of their history, such as being raped or a victim of a crime, or discrimination, or financial loss. Another consideration would be if an applicant died, then there's no need for a school to keep their application.

This bill is especially necessary in an age of technology and cybersecurity where hacking frequently occurs. Anybody can ultimately hack into a university system and steal records. Imagine a person applied to NDSU and was denied, but later entered a promising career in law enforcement, the military, diplomacy, or intelligence services. Now suppose a foreign hacker got access to his application where he revealed very personal information in his application. Then that person would no longer be as effective in their role.

The applicant is ultimately responsible for any adverse effects of a request to destroy their application records. But it's more important that people have a right to control their personal information, than that schools keep this information against the applicant's wishes.

Third Sentence

This ensures that no local or state official can access or re-disclose information that they did not need in the first place. Under current law, any local and state official can obtain applicant records from state schools through a records request for any reason, through chapter 44-04. If an official wanted all the admissions records from NDSU this year, then NDSU would be required to hand over all such records, regardless of reason, even if the official had no business with such records. An official who obtained an application through an open record disclosure could keep such records indefinitely, even if the original school already destroyed such records. Therefore, the third sentence would require that such officials destroy their records that they have no business keeping.

Thank you kindly for your consideration.

Jared Hendrix
State House – District 10

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 exemption 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 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. Subject to the one-year retention
requirement under 15-10-44 (1)(c), the ~~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.

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

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1542
4/8/2025

Relating to the confidentiality of student applications for admission to an institution of higher education; and to declare an emergency.

9:00 a.m. Chairman Beard called the hearing to order.

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

Discussion Topics:

- Change "confidential" to "exempt"
- Protect applicant information

9:01 a.m. Chairman Beard opened the hearing with discussion on proposed amendment by Representative Hendrix testimony #44770.

9:08 a.m. Lisa Johnson, Vice Chancellor Academic and Student Affairs ND University System, answered questions from the committee.

9:27 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

25.0951.03001
Title.

Prepared by the Legislative Council
staff for Representative Hendrix
March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 designating~~ student applications for admission to
3 an institution of higher education as exempt records; 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 to an institution of higher
9 education under the administration of the state board of higher education is ~~confidential~~exempt
10 except as otherwise provided by law. ~~The~~Subject to the one-year retention requirements under
11 section 15-10-44, the record ~~including a record that has been disclosed under this chapter,~~
12 must be destroyed upon request of the applicant or the parent or guardian of an applicant who
13 was under eighteen years of age at the time the application was submitted. An individual may
14 not ~~possess access~~ or disclose an exempt record ~~that is confidential~~ under this section for a
15 reason other than carrying out regular duties as an employee of an institution of higher
16 education, ~~except as otherwise provided under this chapter.~~

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

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 attendance at an
institution of higher under the ~~administration control~~ 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. An individual's~~
~~application for admission to an institution~~ must be destroyed upon request of the applicant or
the parent or guardian of an applicant who is under eighteen years of age ~~at the time the~~
~~application was submitted. A request to destroy an application for admission must be made prior to~~
~~attendance at the institution.~~ 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.

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

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

HB 1542
4/9/2025

Relating to the confidentiality of student applications for admission to an institution of higher education; and to declare an emergency.

9:03 a.m. Chairman Beard called the hearing to order.

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

Discussion Topics:

- Strike "one year"

9:04 a.m. Lisa Johnson, Vice Chancellor Academic and Student Affairs ND University System, introduced proposed amendment testimony #44838.

9:08 a.m. Representative Hendrix, District #10, answered questions from the committee.

9:09 a.m. Senator Boschee moved Amendment LC #25.0951.03002.

9:09 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

9:10 a.m. Senator Wobbema moved Do Pass as amended.

9:10 a.m. Senator Boschee 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

Senate Education Committee

HB 1542

4/09/2025

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Senator Wobbema will carry the bill.

9:12 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

April 9, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

VC 4/9/25
1081

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~~ designating student applications for admission to
3 an institution of higher education as exempt records; 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 - ConfidentialExempt.**

8 A record related to an individual's application for admission to an institution of higher
9 education under the administration of the state board of higher education is ~~confidential~~ exempt,
10 except as otherwise provided by law. ~~The~~ Subject to the retention requirements under section
11 15-10-44, the record, ~~including a record that has been disclosed under this chapter,~~ must be
12 destroyed upon request of the applicant or the parent or guardian of an applicant who was
13 under eighteen years of age at the time the application was submitted. An individual may not
14 possess a ~~access or disclose an exempt~~ record ~~that is confidential~~ under this section for a
15 reason other than carrying out regular duties as an employee of an institution of higher
16 education. except as otherwise provided under this chapter.

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

**REPORT OF STANDING COMMITTEE
HB 1542**

Education Committee (Sen. Beard, Chairman) recommends **AMENDMENTS** ([25.0951.03002](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1542 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Proposed AG Amendments

25.0951.03001
Title.

Prepared by the Legislative Council
staff for Representative Hendrix
March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO**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
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11 section 15-10-44, the record, ~~including a record that has been disclosed under this chapter,~~
12 must be destroyed upon request of the applicant or the parent or guardian of an applicant who
13 was under eighteen years of age at the time the application was submitted. An individual may
14 not ~~possess a~~access or disclose an exempt record ~~that is confidential~~ under this section for a
15 reason other than carrying out regular duties as an employee of an institution of higher
16 education, ~~except as otherwise provided under this chapter.~~

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