

**2023 SENATE EDUCATION**

**SB 2167**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

SB 2167  
1/17/2023

Relating to home education

9:00 AM Chair Elkin opened the hearing.

Present: Chair Elkin, Vice Chair Beard, Senator Axtman, Senator Conley, Senator Lemm, and Senator Wobbema.

### Discussion Topics:

- Waiting period
- Cleanup language

9:01 AM Senator Kannianen, Dist 1, bill sponsor, testified in support #13584

9:07 AM Theresa Deckert, former ND Home School Administrator, testified in support #13979

9:12 AM Lori Wentz, citizen, Dickinson, ND, testified in support #13977

9:17 AM Kevin Hoherz, ND Council of Educational Leaders, testified in neutral position #13462

Senator Wobbema moved a DO PASS.  
Senator Lemm seconded.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

Motion passed. 6-0-0

Senator Beard will carry the bill.

### Additional Written Testimony:

Michael Bueina, parent, Napoleon, ND, in support #13978  
Kevin M. Boden, J.D., in support #13791

9:20 AM Chair Elkin closed the hearing.

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2167: Education Committee (Sen. Elkin, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**2023 HOUSE EDUCATION**

**SB 2167**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

SB 2167  
3/6/2023

Relating to home education.

2:46 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Hager, Hauck, Heilman, Hoverson, Jonas, Marschall, Murphy, Novak, and Timmons. Absent: Representatives Dyk and Longmuir.

## **Discussion Topics:**

- Waiting period
- Special needs
- Truancy
- Suicide
- Home school education
- DPI

Sen. Kannianen, District 4, introduced SB 2167, oral testimony  
Teresa Deckert, Devils Lake ND, office administrator, ND Homeschool Association, long time home educator and former board member of the NDHSA, Testimony 22289  
Samantha Field, Government Relations Director, Coalition for Responsible Home Education, Testimony 21966

## **Additional written testimony:**

Elizabeth Buck, Testimony 22176  
Tricia Knutson, Testimony 22183  
Stephanie Miller, Testimony 22194  
Doreen Bechtle, Testimony 22199  
Darla Schroeder, Testimony 22201  
Lydia Gessele, Testimony 22213  
Kristina Rose, Testimony 22216  
Alida Arnegard, Testimony 22217  
Brianna Taylor, Testimony 22232  
Jacqui Skadberg, Testimony 22237  
Craig Miller, Testimony 22243  
Michael Buelna, Testimony 22291

3:01 PM Chairman Heinert closed the hearing.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

SB 2167  
3/7/2023

Relating to home education.

3:56 PM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, and Timmons. Absent: Representative Novak.

### Discussion Topics:

- Committee action

Rep Murphy moved a Do Pass, seconded by Rep Heilman.

<b>Representatives</b>	<b>Vote</b>
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	Y
Representative Anna S. Novak	AB
Representative Kelby Timmons	Y

**12-1-1 Motion carried.** Rep Murphy is carrier.

4:03 PM Meeting adjourned.

*Kathleen Davis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2167: Education Committee (Rep. Heinert, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2167 was placed on the Fourteenth order on the calendar.

**TESTIMONY**

**SB 2167**





1 SB 2167

2 Neutral Testimony

3 Good morning, Chairman Elkin and members of the Senate Education Committee. For  
4 the record my name is Kevin Hoherz, and I am here representing the North Dakota  
5 Council of Educational Leaders representing your school leaders across North Dakota.

6 We are here to provide neutral testimony for SB 2167 which adds language to change the  
7 notification of a family’s intent to home educate to the district’s superintendent from  
8 fourteen days to five days. In visiting with administrators from the state, they do not  
9 foresee any major concerns in shortening the number of days of notification for the intent  
10 to home educate from fourteen days to five days.

11 We would appreciate that you take this into account as you consider this bill.

Testimony on SB 2167

Senator Jordan Kannianen, District 4

Chairman Elkin and the Senate Education Committee,

This bill shortens the waiting period between the submission of a letter of intent to homeschool and when the home education can begin from 14 days to 5 days. (See Page 1, Line 7)

It also clarifies language in the home education special education section, replacing vague or subjective language with clear, concise policy. (See Page 2, Lines 16-18)

Any other changes are cleanup completed by Legislative Council.

The 14-day waiting period was first put in place with the original authorizing legislation for homeschooling in 1989. When a family moves during the school year and files a new letter of intent to home educate their children, the existing 14 day waiting period is excessive and unnecessary. The same could be said for every homeschool family, but it's especially true when a family moves mid-year.

I will allow other organizations to speak for themselves, but I have vetted this bill with the state Department of Public Instruction and other organizations involved in public education, and I have yet to hear any opposition to these proposals. I would be happy to address any concerns.

I respectfully request a Do Pass recommendation for SB 2167.

Thank you,

Jordan Kannianen

January 17, 2023

The Honorable Don Schaible  
Chairperson  
Senate Education Committee

VIA EMAIL TO DGSCHAIBLE@ND.GOV

RE: *Testimony in Support of Senate Bill 2167*

Dear Chairperson Schaible:

By way of introduction, Home School Legal Defense Association (HSLDA) is a national organization committed to advocating for homeschool freedom and homeschool families. With over 100,000 member families, we are the world's largest homeschool advocacy organization. Thank you for your service to North Dakota families and for considering this written testimony in support of SB 2167.

For decades, HSLDA has assisted homeschooling families and sought to remove requirements that—often unintentionally—operate as roadblocks for homeschooling parents and children. SB 2167 is a positive and necessary step forward as it both lessens the notification roadblock and improves the ability for homeschooling parents to educate their child(ren) with developmental disabilities.

This bill reduces the timeline between when a parent must file a statement of intent and when the parent can begin home education from 14 days to 5 days. As of today, only four states in our country, including North Dakota, have any waiting period at all. Only one state—Maryland—has a longer waiting period at 15 days. The reduction this bill proposes is a positive step forward not only in bringing North Dakota into greater alignment with other states, but more importantly towards recognizing the lawful interest of parents to direct the upbringing and education of their children. This proposed change brings North Dakota into greater alignment with *Pierce v. Society of Sisters*, which struck down an Oregon law because it “unreasonably interfered with the liberty of parents to direct the upbringing and education of children under their control.” 268 U.S. 510, 535 (1925).

I would add that in the remaining 46 states, there is no statutory requirement that a parent wait some specified period of time before beginning the home education of their children. In light of Supreme Court jurisprudence, HSLDA believes it is doubtful whether any waiting period at all would pass constitutional scrutiny as these waiting periods infringe on the basic, fundamental rights of parents long established in legal jurisprudence.

We also support modified language in section 15.1-23-15 relating to a child with a developmental disability. First, the revised language is more clearly measurable. The former language of “benefiting from home education” is subjective but the new language regarding “making academic progress” can be measured. Second, this language is more consistent with the verbiage used in public instruction and is thus more uniformly understood and interpreted. Finally, the additional language regarding “maintaining progress based on academic ability” recognizes the varying academic abilities of children, including those with developmental disabilities. It provides that the services plan team consider each child independently with that child’s particular strengths and abilities. It measures each against themselves, rather than a potentially more arbitrary standard. This change is a positive step towards the care and education of homeschooled children in North Dakota with developmental disabilities.

Please support SB 2167.

Thank you for your consideration and service to North Dakota homeschool families.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Kevin M. Boden".

Kevin M. Boden, J.D.  
Staff Attorney  
Director of Global Outreach

cc: Honorable Members of the Education Committee (via email)

**SB2167 Yes**

Senator Elkin and Members of the Senate Education Committee,

My name is Lori Wentz and I am a homeschool parent from Dickinson, ND. My current title is Special Needs Coordinator for NDHSA (North Dakota Homeschool Association). In the past 20 years I have been involved in and worked with Policy Council for Head Start, served multiple years as a Parent Representative for the R.I.C.C. (Regional Interagency Coordinating Committee) and provided advocacy work for both public and homeschool parents. My current position puts me in frequent contact with public school districts throughout the state.

I would like to address the changes to the homeschool bill regarding submitting a Statement of Intent five days prior rather than fourteen. This portion of the bill (15.1-23-02) primarily affects public school families that are pulling their children out to Homeschool. The most common reasons that I am brought in to assist with a situation is bullying, allegations of mental or physical abuse and a parent feeling that private services at home will be more effective for their Special needs child. Often, the situation is already tense and there is a lack of communication happening between the parent and the school.

For the public school, the child being required to stay an additional fourteen days after the decision to leave has been made is often a disadvantage. The school is using the valuable time of paraprofessionals, therapists and other personnel for a child whose goals are most likely going to change the moment they switch to new support professionals to meet their needs. The behavior of the student can also change because once they know they are going to leave they may not be cooperative with the teachers at school.

For the homeschool parent, there are disadvantages as well. Special needs parents are in the process of setting up private therapies that are delayed while waiting for their student to exit the system. In bullying situations in particular, having the child stay an additional fourteen days can allow additional abuse incidents to occur.

On the occasions where we have asked the districts if they would be willing to waive the waiting period to bring the child home immediately, the response has been completely unpredictable. Their answers ranged from allowing the child to come home immediately, asking for a doctor's note first or denying the request completely. In the cases of complete denial, when asked to give me a written plan of what they will do differently in the next fourteen days ALL districts, thus far, have chosen to stop the conversation and allow the child to come home immediately.

I have also had a Superintendent tell me that the waiting period is for the public-school parent to set up therapies and submit their Home Services plan to the district. As stated above, multiple therapists have stated to me that they often have to wait until the child is available during the day in order to do an intake and evaluation for what services are needed. Consequently, the parent ends up waiting anyway. As for filling out a Home Services plan, NDHSA has created several new forms in order to facilitate an easier way for parents to submit the needed information thus saving time.

With all the information I have shared, I think it is clear that reducing the waiting period will make a smoother transition period for both the public school and the homeschool family.

The second part of the bill I would like to address is the language changes in 15.1-23-15. Previously, the wording was 'the child is not benefitting from home education'. The new change states 'making

adequate progress or maintaining progress made based on academic ability'. This reflects the idea that not all students are neurotypical and will automatically be in the appropriate grade for their age. If they are Special Needs with learning disabilities, just maintaining past academic learning and supporting them in hopes of future gains may often be a more realistic goal. This language is similar to what is used in IEP's (Individual Education Plan) in the public school. The clear designation of a child's current level of function is also represented in the newly created forms by NDHSA. Please support this change in the bill as it reflects more respect for Special Needs and is the current language used in education.

Thank You,

Lori Wentz

District 37

Dickinson, ND

(701)-590-3770

## Student Services Plan for Homeschool

The child Joe Average. will be taught the following subjects appropriate for a 3rd grader.

### Elementary and middle school:

- English language arts, including reading, composition, creative writing, English grammar, and spelling;
- mathematics;
- social studies, including United States' Constitution, United States history, geography, and government, and in 4<sup>th</sup> and 8<sup>th</sup> grades, North Dakota studies, with an emphasis on the geography, history, and agriculture of North Dakota;
- science, including agriculture;
- physical education; and
- health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics.

### High school:

- English language arts (includes literature, composition, and speech)
- mathematics;
- science (includes biology and chemistry or physical science);
- social studies (includes U.S. history, civics, economics, and concepts of personal finance)
- physical education; and
- foreign languages or fine arts or career and technical education.

### Professionally provided services:

Speech Therapy will be provided by Rehab Visions  
Occupational Therapy will be provided by Wonder Kids

### Home interventions provided by or supervised by the parent:

- longer test times  
- more read-alouds than one-on-one reading  
- less writing; more narration work

Mama Average  
Parent signature



## Student Services Plan Homeschool Progress Report

This form is to meet the requirements of North Dakota Century Code 15.1-23-15.

The following services are being provided pursuant to a student services plan developed and followed in accordance with North Dakota Century Code § 15.1-23-14... Progress reports from providers are attached.

Speech Therapy will be provided by Rehab Visions

Occupational Therapy will be provided by Wonder Kids

\_\_\_\_\_ will be provided by \_\_\_\_\_

\* Attach a 1 page summary of current goals & progress from each provider.

- Child is making adequate progress.
- Child is maintaining based on academic ability.

(For children with Learning disabilities for example... They may have a goal of maintaining current skills but may not be able to move to another grade level.)

Mama Average

Parent signature

### Services Provider Progress Report



## Paraprofessional-to-Teacher Pathway Grants

**Overview:** Over the past two years, the North Dakota Department of Public Instruction (NDDPI) has funded three paraprofessional-to-teacher grants with ESSER funds. This initiative has two key priorities.

- First, it targets individuals who are currently working in our North Dakota schools because they are then more likely to remain in that school after obtaining their teaching degree.
- Second, it targets individuals working as a paraprofessional or those with an associates degree because then we can fast-track their path to becoming a teacher.

### The Why:

- Teacher Shortage is a pervasive problem
- Affecting all states nationwide
- North Dakota's Story
  - Approximately 9,000 teachers in North Dakota
  - Critical Shortage Areas
    - Special Education K-12
    - CTE 9-12
    - Counselor
    - Science 9-12
  - Emergency Licensure/Teacher Openings
    - 2021-2022: 497
    - 2022-2023: 613

### Funded Programs:

- Round One – Minot State University (Fall 2020)
  - Focus on special education
  - Tuition fully funded
  - Currently enrolled – 108
- Round Two – University of Mary (Spring 2022)
  - Focus on general education and rural districts
  - Tuition partially funded (one-third)
  - Currently enrolled – 44
- Round Three – Valley City State University (Fall 2022)
  - Focus on dual licensure
  - Tuition fully funded
  - Spring 2023 – 25 students
  - Fall 2023 – 50 students

**Request:** Senate Bill No. 2032 is a bill for an act to provide an appropriation in the sum of \$3,000,000 to the Department of Public Instruction for the paraprofessional-to-teacher program. The purpose of this bill is to continue funding this work, as all current programs have been very successful and have a waiting list.

### Questions:

Laurie Matzke  
Assistant Superintendent  
NDDPI  
lmatzke@nd.gov  
(701) 328-2284

SB 2167  
Yes

Senator Elkin and Members of the Senate Education Committee,

My name is Michael Buelna. I am a concerned parent, an advocate of homeschooling and a former Youth Counselor for at-risk children and adolescents. I would urge you to vote yes on SB 2167.

The first section of the bill details the waiting period before a family can begin to homeschool. Current state law requires a statement of intent to be filed 14 days before home education can begin. The language is antiquated, dating back to the year 1989, when the bill was enacted. Families at that time were made to wait as they had to order materials before homeschooling could start. Given the state, the time and age we live in, information is more readily available and homeschooling materials are easily accessible. This, as a whole, has made it more reasonable for parents to have the materials required to homeschool: a great example would be online learning which allows instant access after acquiring legal tender for access to curriculums.

My own personal experience has taught me that retaliation from both students and teachers can happen and has happened. My child was a target for such an attack. I had made the tough decision to pull him out after submitting the paperwork to the school just a day later. The pleas of my child to not send him back were heartbreaking. He let me know that he was getting bullied by staff and students alike. The teachers would snap their fingers at him to hurry up with the work; the students would tell him that he didn't fit in. He did not want to return. I reached out to the North Dakota Home School Association which was able to help talk to the superintendent of my district. After our advocate spoke to the superintendent, he made a call to me and explained that my child did not have to show up and that the absences would be excused. The school could not assure the safety of my child or avoid retaliation so I was allowed to keep him home.

The time I spent working as a counselor for at-risk kids was invaluable and thus my decision to support a change for the waiting period. The 14-day waiting period is too much. My fear was that my son would be physically or mentally assaulted but I did not want to be punished by truancy law. No parent should have to weigh those options.

The proposed change would have a 5 day waiting period. As a parent I could essentially pull my child out to homeschool without worrying that I would later have a truancy issue. I feel that this would lessen the stressor around making a decision and let me focus on what is right for my child and move

These changes are simple, but also make sense. Please vote in favor of SB 2167.

Michael Buelna

Napoleon, ND

360.936.2240

**SB 2167**  
**Yes**

Senator Elkin and Members of the Senate Education Committee,

My name is Theresa Deckert. I am the former office administrator for the North Dakota Home School Association (NDHSA), long time home educator and former board member of the NDHSA. Today I am here on behalf of that organization asking you to vote yes on SB 2167.

Part one of the bill addresses the waiting period before a family can start to home educate. The current law requires a statement of intent to be filed 14 days before beginning home education. This language is from the original bill which became law in 1989. At that time families had to order their curriculum and wait for it to arrive before they could begin homeschooling. There have been many innovations since then and a large number of homeschool families use online education. As soon as you fill out the application and pay the fee you have immediate access to curriculum. Many of our state support groups have curriculum lending libraries which also grant immediate access to curricula.

During my years as office administrator for the NDHSA I answered many calls from distraught parents who had a child who was either the victim of severe bullying or was having a mental health crisis. I would advise these parents of that waiting period, but would also tell them that the safety of their child needed to come first. I made them aware that I was not giving legal advice. These situations always caused me a lot of angst as I was basically advising the parents that if they were concerned about the safety and well being of their child, then break the law. I did encourage them to see if the school would waive that waiting period, but sometimes the school would refuse.

I have been involved in suicide prevention in my county since 2014 when I lost my younger brother to suicide. I serve on our county's Suicide Prevention Coalition, lead a Survivors of Suicide support group and co-chair our Lake Region Out of the Darkness Suicide Prevention Walk. When a young person is having suicidal ideations or being bullied, 14 days is too long.

**The proposed change would have a 5 day waiting period.** A parent could pull a child out to homeschool without worrying that they may have a truancy issue. It still allows for a parent who is simply angry and wanting to pull their child to have a cooling off period. On occasion they may change their minds when they find out the work involved and the cost of homeschooling.

The second part of the bill basically fixes a language discrepancy. Section **15.1-23-13** section 2 states: *“Annually the superintendent of the child’s school district of residence shall determine reasonable academic progress based on the child’s services plan”*

but **15.1-23-15** uses the language

*“services plan team agrees that the child is not benefiting from home education”.*

The later language is subjective and really not measureable. **The proposed language “making adequate progress or maintaining progress based on academic ability”** is more in line with the language in section 15.1-23-13 and keeps the assessment to academics as opposed to “not benefiting” which could mean different things to different people.

Although small, these changes would ease the burden for families dealing with a high risk situation and clarify language that is vague and subjective. **Please vote in favor of SB 2167.**

Theresa Deckert  
District 15  
Devils Lake, ND  
(h)701-662-4790  
(c) 701-230-8166

Chairs and Honored Senators of the Committee,

I am very excited to give my testimony in support of Senator Kannianien's bill. As a homeschool alumni – someone who was homeschooled in North Dakota as a young child -- and representing the only organization founded and run by homeschool alumni to advocate for homeschooled children, it is rare to see legislators take an interest in our well-being.

Senate Bill 2167 accomplishes two crucial things for North Dakota's homeschooled children: it asks parents to describe their qualifications for taking on the thorough and comprehensive education of their child, and it also makes the homeschool statute less ambiguous. By changing the language of the law from the vague, undefined notion that homeschooling "benefit" a child, it makes it clear that homeschooling should be accomplishing an *academic* benefit. All children in North Dakota are given the right to an education by state law, and Senate Bill 2167 would help homeschooled children have access to that right.

Thank you very much for your time and attention, I am happy to stand for any questions.

Samantha Field

Government Relations Director  
Coalition for Responsible Home Education

I am writing in favor of SB 2167. This bill would enable parents to begin homeschooling their children earlier while still keeping a safeguard in place (five days) in cases where parents are just angry and impulsively pulling their children out of public school only to regret it later. Curriculum is able to be accessed and purchased immediately online, and parents can now begin the process of homeschooling as soon as they pull their kids out. Please pass this bill in order to preserve parental rights and to ensure freedom of homeschooling in the state of ND. Thank you.

Respectfully submitted,

Elizabeth Buck,

NDHSA Office Administrator and Editor



Please pass SB2167 reducing the unnecessary waiting period from 14 days to five days. One of the reasons for homeschooling is abuse from educators. The idea that a child would be forced to continue to remain in the environment with the abusive adult is ridiculous and repugnant.

Parents willing to take on the role of educator do so for many reasons, but the number one reason is to do what is best for their child.

Homeschooling is not a decision made lightly and the legal requirement of a waiting period does not protect the child. Rather it seeks to protect the school. Children and their welfare are a higher priority.

March 6, 2023

To whom it may concern:

I would like to voice your support in favor of this bill which protects parental rights in choosing to homeschool their children by restricting the waiting period to pull out their child from public school from 14 days down to five days.

Respectfully submitted,

Stephanie Miller

Ellendale, ND

March 6, 2023

To whom it may concern:

I am in favor of Senate Bill 2167 which protects parental rights in choosing to homeschool their children by restricting the waiting period to pull out their child from public school from 14 days down to five days.

Respectfully submitted,

Doreen Bechtle

Wishek, ND

I am writing in support of SB2167 which restricts the waiting period for pulling students out to home school from 14 days down to five. As a parent and home school support group leader I have seen the anguish and struggle that parents have gone through as they struggle with how to handle that time while they are waiting to withdraw their child. Sometimes the child is in a bullying situation and the parents are desperate to help their children and the long waiting time makes it so much harder.

Thank you for your consideration.

Darla Schroeder

My name is Lydia Gessele and I reside, on the land, in District 14. I would like to voice my support for SB 2167. This bill will protect parental rights in choosing to homeschool their children by restricting the waiting period to pull out their children from public school from 14 days down to five (5). Once again I am in support of SB 2167. Thank you for your time.

Kristy Rose  
6725 Apple Creek Drive  
Bismarck, ND 58504  
kristywrose@gmail.com  
701-202-2001

North Dakota Legislature  
Bismarck, ND

3/6/2023

RE: SB2167

Dear Legislators,

I am writing in support of SB-2167 and reducing the waiting period from 14 days to 5 days for the following reasons:

1. As the coordinator of the state's largest support group, Tri-city Home Educators Association, I field numerous calls from panicked and upset parents who want to homeschool their children right away due to serious illness or traumatizing bullying of their student or because of educational and development needs that go unaddressed by administration. Subjecting these students and parents to an additional 14 days in the toxic environment they wish to flee is simply cruel and unnecessary.
2. When registering a student to attend public or private school within North Dakota, there is no waiting period. If a student wishes to transfer from public to private school, they are able to do so immediately. If a student wishes to enroll in public school, they too are able to do so immediately. It should be the same for homeschooling students.
3. Often the decision to homeschool is made close to the start of school in August or over the Christmas break when a 14 day waiting period is not possible. What is the point of sending a child to school for two weeks only to be withdrawn? Seems like a waste of resources and administrative effort on behalf of our already over-worked teaching staff.
4. When I pulled my child from public school in 2009 to enroll him in private school, I alerted the principal, secretary and the teacher. Yet no one ever responded to my notifications nor was there any sort of exit interview or process. Thus, there is clearly no procedure being followed when a student is withdrawn, so there is no need for a 14 day waiting period.

I think that reducing the waiting period from 14 days to 5 days will not only save stress on behalf of the student and his parents but it will also reduce the effort exerted by teachers and the resources expended by the school system.

Thank you for your attention to this matter and please vote yes on this bill.

Sincerely,  
Kristy Rose

Dear Senators,

Good afternoon!! Thank you for your service to ND. I appreciate all you do. I would like to voice my support in favor of SB 2167 because it protects parental rights in choosing to homeschool by restricting the waiting period from 14 days down to five.

Thank you for your kind consideration,

Alida Arnegard  
Member of HSLDA  
Member of NDHSA  
BA Elementary Education  
District 26

To the Education Committee and all those who represent the people of North Dakota in our state legislature, I would like to voice my support of SB 2167 which protects parental rights in choosing to home educate their children by reducing the waiting period of entering said education from 14 days down to five days. Thank you for your diligence and faithful service. Respectfully, Brianna Taylor



I would like to submit written testimony in favor of SB 2167 which protects parental rights in choosing to homeschool their children by restricting the waiting period to pull out their child from public school from 14 days down to five. Please support SB 2167.

March 6, 2023

To whom it may concern:

I am in favor of Senate Bill 2167 which protects parental rights in choosing to homeschool their children by restricting the waiting period to pull out their child from public school from 14 days down to five days.

Respectfully submitted,

Craig Miller

Ellendale, ND

**SB 2167**  
**Yes**

Representative Heinert and Committee Members,

My name is Theresa Deckert. I am the former office administrator for the North Dakota Home School Association (NDHSA), long time home educator and former board member of the NDHSA. Today I am here on behalf of that organization asking you to vote yes on SB 2167.

This is a bill that you will probably not receive a lot of testimony or emails on because those who will most benefit aren't even aware that this is a change they need.

Part one of the bill addresses the waiting period before a family can start to home educate. The current law requires a statement of intent to be filed 14 days before beginning home education. This language is from the original bill which became law in 1989. At that time families had to order their curriculum and wait for it to arrive before they could begin homeschooling. There have been many innovations since then and a large number of homeschool families use online education. As soon as you fill out the application and pay the fee you have immediate access to curriculum. Many of our state support groups have curriculum lending libraries which also grant immediate access to curricula.

During my years as office administrator for the NDHSA I answered many calls from distraught parents who had a child who was either the victim of severe bullying or was having a mental health crisis. I would advise these parents of that waiting period, but would also tell them that the safety of their child needed to come first. I made them aware that I was not giving legal advice. These situations always caused me a lot of angst as I was basically advising the parents that if they were concerned about the safety and well being of their child, then break the law. I did encourage them to see if the school would waive that waiting period, but sometimes the school would refuse.

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Suicide support group and co-chair our Lake Region Out of the Darkness Suicide Prevention Walk. When a young person is having suicidal ideations or being bullied, 14 days is too long.

**The proposed change would have a 5 day waiting period.** A parent could pull a child out to homeschool without worrying that they may have a truancy issue. It still allows for a parent who is simply angry and wanting to pull their child to have a cooling off period. On occasion they may change their minds when they find out the work involved and the cost of homeschooling.

The second part of the bill basically fixes a language discrepancy. Section **15.1-23-13** section 2 states: *“Annually the superintendent of the child's school district of residence shall determine reasonable academic progress based on the child's services plan”*

but **15.1-23-15** uses the language

*“services plan team agrees that the child is not benefiting from home education”.*

The later language is subjective and really not measureable. **The proposed language “making adequate progress or maintaining progress based on academic ability”** is more in line with the language in section 15.1-23-13 and keeps the assessment to academics as opposed to “not benefiting” which could mean different things to different people.

Although small, these changes would ease the burden for families dealing with a high risk situation and clarify language that is vague and subjective. **Please vote in favor of SB 2167.**

Theresa Deckert  
District 15  
Devils Lake, ND  
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SB 2167  
Yes

Chairman Heinert and House Education Committee Members,

My name is Michael Buelna. I am a concerned parent, an advocate of homeschooling and a former Youth Counselor for at-risk children and adolescents. I would urge you to vote yes on SB 2167.

The first section of the bill details the waiting period before a family can begin to homeschool. Current state law requires a statement of intent to be filed 14 days before home education can begin. The language is antiquated, dating back to the year 1989, when the bill was enacted. Families at that time were made to wait as they had to order materials before homeschooling could start. Given the state, the time and age we live in, information is more readily available and homeschooling materials are easily accessible. This, as a whole, has made it more reasonable for parents to have the materials required to homeschool: a great example would be online learning which allows instant access after acquiring legal tender for access to curriculums.

My own personal experience has taught me that retaliation from both students and teachers can happen and has happened. My child was a target for such an attack. I had made the tough decision to pull him out after submitting the paperwork to the school just a day later. The pleas of my child to not send him back were heartbreaking. He let me know that he was getting bullied by staff and students alike. The teachers would snap their fingers at him to hurry up with the work; the students would tell him that he didn't fit in. He did not want to return. I reached out to the North Dakota Home School Association which was able to help talk to the superintendent of my district. After our advocate spoke to the superintendent, he made a call to me and explained that my child did not have to show up and that the absences would be excused. The school could not assure the safety of my child or avoid retaliation so I was allowed to keep him home.

The time I spent working as a counselor for at-risk kids was invaluable and thus my decision to support a change for the waiting period. The 14-day waiting period is too much. My fear was that my son would be physically or mentally assaulted but I did not want to be punished by truancy law. No parent should have to weigh those options.

The proposed change would have a 5 day waiting period. As a parent I could essentially pull my child out to homeschool without worrying that I would later have a truancy issue. I feel that this would lessen the stressor around making a decision and let me focus on what is right for my child and move forward.

These changes are simple, but also make sense. Please vote in favor of SB 2167.

Michael Buelna

Napoleon, ND

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