

2023 SENATE JUDICIARY

SB 2260

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2260
1/24/2023

A BILL for an Act relating to fundamental parental rights, parental involvement in education, and parental right to consent to medical treatment of the parent's child.

2:29 PM Madam Chair Larson called the hearing to order.

Madam Chair Larson, Senators, Paulson, Sickler, Braunberger, Estenson, Luick, Myrdal present.

Discussion Topics:

- National concerns
- Retribution
- Protection
- Transparency
- Parental rights and responsibilities
- Fundamental rights
- Parental involvement
- Parental consent
- FBI investigation
- Student lead clubs
- School board association
- Awareness issues
- UN Agenda 2030
- Current events
- Curriculum approval
- Curriculum review
- Curriculum fees
- CRT open records
- States standards
- Random surveys
- Panorama surveys
- Data minor children
- Sensitivity gender training
- Government grants
- Legal remedies
- Consent issues
- Abusive issues
- ND Century code
- Policy and procedures
- Harmful definition
- Social emotional problem
- Social engineering

- Constitutional provisions
- Healthcare and Schools
- Parent teacher conferences
- Social and emotional trend
- Trust issues
- Communication
- Policies

2:29 PM Senator Paulson introduced SB 2260 #16402

2:56 PM Kimberly Hurst, resident of District 1, testified. #16030

3:12 PM Karen Krenz, resident of District 1, Moms for Liberty, testified. #15948

3:16 PM Travis Zabloutney, District 5 Chair, verbally testified.

3:19 PM Dan Wakefield, retired educator and parent, testified. #16211

3:41 PM Matt Sharp, Senior Counsel Alliance Defending Freedom, testified. #15529

3:45 PM Tim Blossel, President of the Hospital Association, introduced **Dr. Chris Meeker.**

3:46 PM Dr. Chris Meeker, Emergency Medicine Physician ND Hospital Association, testified. #16366

3:57 PM Mike Geiermann, General Counsel ND United, testified. #16458

4:19 PM Madam Chair Larson recessed for 5 minutes.

4:27 PM Angela Sersha, Attorney for Health Law, testified. #16324

4:37 PM Amy De Kok, General Counsel ND School Board Association, testified. #16498

4:57 PM Kevin Hohertz, ND Council of Educational Leaders, testified. #15880

5:17 PM Tracy Potter- registered lobbyist and retired teacher, verbally testified.

5:23 PM Chelsy Flory Director Burleigh County Human Service Zone, testified. #16231

Addition written testimony:

Seth Flamm #14860

Patricia Burckhard #14877

Michelle Weber #15014

Megan Degenstein #15038

Rebekah Oliver #15050

Mariah Bates #15064

Susan Draper #15102

Tim Baumann #15128
Lisa Pulkrabek #15135
Wade Pulkrabek #15137
Andrea Leingang #15259
Cionda Holter #15353
Jacob Holter #15354
Kimberly Bieber #15447
Kaitlyn Kelly #15569
Tanya Baity #15586
Sylvia Bull #15686
Courtney Koebele #15743
Bree Langemo #15774
Christopher Brown #15782
Kayla Johnson #15800
Gordon Greenstein #15823
Rosemary Ames #15891
Rody Schultz #15917
Kristie Miller #15927
Naomi Tabassum #15930
Maura Ferguson #15932
Gretchen Deeg #15935
Sarah Galbraith #15965
Erin Mcsparron #15972
Sharlet Mohr #15992
Kara Gloe #15998
Nathan Brown #16075
Faye Seidler #16089
Vicki Grafing #16105
Melissa Sitton #16207
Miki Thompson #16245
Thea Holter #16282
Aaron Holter #16284
Rozell Unruh #16289
Dwight Ebel #16290
Luane Ebel #16305
Fred Braun #16355
Jodi Plecity #16381

5:26 PM Madam Chair Larson adjourned the hearing on SB 2260.

Patricia Wilkens, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2260
2/7/2023

A bill relating to fundamental parental rights, parental involvement in education, and parental right to consent to medical treatment of the parent's child.
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10:55 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Braunberger and Paulson are present.

Discussion Topics:

- Committee action

10:58 AM Committee discusses amendments.

11:02 AM Senator Myrdal moved to adopt amendment LC 23.0421.03003 (#19570, #19571). Motion seconded by Senator Luick.

11:04 AM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

11:04 Senator Myrdal moves to Do Pass the bill as amended. Motion seconded by Senator Luick.

11:06 AM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	N
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 6-1-0.

Senator Paulson will carry the bill.

This bill does not affect workforce development.

11:07 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

February 1, 2023

DR
1/11
2-7-2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2260

Page 2, line 8, remove "in writing"

Page 2, line 9, after "child" insert "as required under section 3 of this Act"

Page 2, line 22, replace "if an employee" with "by an authorized representative"

Page 2, line 23, after "institution" insert "if an employee of the entity or institution"

Page 2, line 24, after "child" insert ", unless the employee has reasonable cause to believe the parent committed the offense"

Page 3, line 13, after "relief" insert ", unless the claim is asserted against a government employee. Equitable relief is the only remedy available for a claim against a government employee"

Page 4, after line 3, insert:

"e. "Teacher training materials" means materials used for professional development, including a presentation, video, or written or electronic materials used or distributed for a training activity."

Page 6, line 29, after the first "section" insert "does"

Page 6, line 29, replace "an" with ":

a. An"

Page 6, line 29, after "14-02.1-03.1" insert: ":

b. The treatment of a sexually transmitted disease or substance use disorder under section 14-10-17;

c. Emergency care of a minor under section 14-10-17.1;

d. Blood donation under section 14-10-18.1;

e. Prenatal care and other pregnancy care services under section 14-10-19; or

f. Health care for an unaccompanied homeless minor under section 14-10-20.

6. A parent may bring suit for a violation of this section and may raise this section as a defense in a judicial or administrative proceeding whether the proceeding is brought by or in the name of the state or other person. A person that successfully asserts a claim or defense under this chapter may recover declaratory relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs, and other appropriate relief"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2260: Judiciary Committee (Sen. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 8, remove "in writing"

Page 2, line 9, after "child" insert "as required under section 3 of this Act"

Page 2, line 22, replace "if an employee" with "by an authorized representative"

Page 2, line 23, after "institution" insert "if an employee of the entity or institution"

Page 2, line 24, after "child" insert ", unless the employee has reasonable cause to believe the parent committed the offense"

Page 3, line 13, after "relief" insert ", unless the claim is asserted against a government employee. Equitable relief is the only remedy available for a claim against a government employee"

Page 4, after line 3, insert:

"e. "Teacher training materials" means materials used for professional development, including a presentation, video, or written or electronic materials used or distributed for a training activity."

Page 6, line 29, after the first "section" insert "does"

Page 6, line 29, replace "an" with ":

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Page 6, line 29, after "14-02.1-03.1" insert: ":

b. The treatment of a sexually transmitted disease or substance use disorder under section 14-10-17;

c. Emergency care of a minor under section 14-10-17.1;

d. Blood donation under section 14-10-18.1;

e. Prenatal care and other pregnancy care services under section 14-10-19; or

f. Health care for an unaccompanied homeless minor under section 14-10-20.

6. A parent may bring suit for a violation of this section and may raise this section as a defense in a judicial or administrative proceeding whether the proceeding is brought by or in the name of the state or other person. A person that successfully asserts a claim or defense under this chapter may recover declaratory relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs, and other appropriate relief"

Renumber accordingly

2023 HOUSE HUMAN SERVICES

SB 2260

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2260
3/22/2023

Relating to fundamental parental rights, parental involvement in education, and parental right to consent to medical treatment of the parent's child.

Chairman Weisz called the meeting to order at 9:32 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Primary education
- Educational content at schools
- Cancel culture
- Informing parents
- School photos
- Withholding information
- Parental rights and responsibilities
- Unique educational needs
- Ability of educators
- Teacher shortages
- Uniform system
- Parental involvement

Sen. Paulson introduced SB 2260 with supportive testimony (#26331).

Matt Sharp, Alliance Freedom, supportive testimony (#26256).

Jacob Thomson, Policy Analyst for the North Dakota Family Alliance Legislative Action, supportive testimony (#26298).

Jennifer Kallenbach, North Dakota teacher and parent, opposition testimony (#26135).

Michael Geiermann, representing North Dakota United, opposition testimony (#27668).

Amy De Kok, North Dakota School Boards Association, opposition testimony (#26276).

Monica Meadows, North Dakota teacher, opposition testimony (#26261).

Additional written testimony:

(#25760) (#25791) (#25821) (#25829) (#25889) (#25943) (#25974) (#25983) (#26023)
(#26090) (#26091) (#26096) (#26097) (#26099) (#26101) (#26105) (#26108) (#26109)
(#26110) (#26111) (#26112) (#26121) (#26123) (#26125) (#26130) (#26139) (#26145)
(#26146) (#26154) (#26156) (#26159) (#26161) (#26166) (#26167) (#26168) (#26169)
(#26170) (#26172) (#26173) (#26174) (#26177) (#26180) (#26183) (#26184) (#26186)
(#26187) (#26189) (#26190) (#26194) (#26196) (#26197) (#26200) (#26202) (#26204)
(#26206) (#26207) (#26208) (#26209) (#26211) (#26212) (#26215) (#26216) (#26217)
(#26221) (#26222) (#26223) (#26224) (#26225) (#26226) (#26227) (#26228) (#26229)
(#26230) (#26231) (#26232) (#26236) (#26237) (#26238) (#26239) (#26240) (#26241)
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(#26251) (#26254) (#26255) (#26257) (#26258) (#26259) (#26262) (#26264) (#26265)
(#26266) (#26269) (#26272) (#26273) (#26280) (#26282) (#26288) (#26289) (#26291)
(#26296) (#26297) (#26299) (#26302) (#26303) (#26304) (#26307) (#26308) (#26310)
(#26316) (#26317) (#26318) (#26319) (#26320)

Chairman Weisz adjourned the meeting at 11:29 AM. Hearing will resume at 3:00 PM on March 22nd, 2023.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2260
3/22/2023

Relating to fundamental parental rights, parental involvement in education, and parental right to consent to medical treatment of the parent's child.

Chairman Weisz called the meeting to order at 3:05 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Parental consent
- Impact of teachers
- Access to medical records
- Custodial agencies
- Human service zones
- Diversity of information
- Child physical examination
- Legal interpretation of bill

Leslie Bieber, Superintendent of Alexander Public School in North Dakota, opposition testimony (#26309).

Melissa Hauer, General Counsel for the North Dakota Hospital Association, spoke in opposition and introduced Dr. Danielle Thurtle.

Dr. Danielle Thurtle, Pediatrician at Sanford Health in Fargo, North Dakota, opposition testimony (#26260).

Angela Sersha, North Dakota teacher and parent, opposition testimony (#26314).

Courtney Koebele, with the North Dakota Medical Association, opposition testimony (#26312).

Chelsea Flory, Burleigh County Human Service Zone Director, opposition testimony (#26252).

Kristie Miller, North Dakota citizen and parent, opposition testimony (#26263).

Dr. Aimee Copas, North Dakota Council of Education Leaders, opposition testimony (#26275).

Cardinal Redburg, Founder and President of the Two Spirit Association, spoke in opposition.

Christina Sanbor, on behalf of the North Dakota Human Rights Coalition and Human Rights Campaign and Youthworks, opposition testimony (#26313).

Andrew Alexis Farvel, North Dakota citizen, opposition testimony (#26267) (#26268).

Chairman Weisz adjourned the meeting at 4:16 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2260
4/14/2023

Relating to fundamental parental rights, parental involvement in education, and parental right to consent to medical treatment of the parent's child.

Chairman Weisz called the meeting to order at 11:11 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Committee work
- Amendment

Chairman Weisz called for a discussion on SB 2260.

Chairman Weisz discussed the proposed amendment (Christmas tree version of SB 2260).
Testimony #27711

Rep. Prichard moved to adopt amendment to SB 2260. #23.0421.04004 #27711

Seconded by Rep. Anderson.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	N
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 10-4-0.

Rep. Porter moved to adopt amendment to SB 2260 as follows: To remove Sub 7 on Page three and Sub 5 on Page 6 of the Christmas tree version of SB 2260.

Seconded by Rep. Fegley.

Motion withdrawn.

Rep. Porter moved to adopt amendment to SB 2260 as follows: on Page3 remove lines 10 thru 15 the period after relief and on page 6 remove line 4 through the period after relief of the Christmas tree version of SB 2260.

Rep. Fegley seconded.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	N
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	N
Representative Dawson Holle	N
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	N

Motion carries 8-6-0

Representative Porter Moved a Do Pass as Amended with #23.0421.04005.

Representative M. Ruby Seconded.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	N
Representative Kathy Frelich	Y

Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 10-4-0.

Representative M. Ruby carrier.

Chairman Weisz adjourned the meeting at 11:30 AM.

Phillip Jacobs, Committee Clerk

April 14, 2023

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4/14/23
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2260

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and a new section to chapter 23-12"

Page 1, line 3, replace the first comma with "and"

Page 1, line 3, remove ", and parental right to consent to"

Page 1, line 4, remove "medical treatment of the parent's child"

Page 1, line 16, remove "and"

Page 1, line 16, after the second "health" insert ", and moral or religious training"

Page 1, line 17, remove "of the highest order"

Page 1, line 21, after the second underscored comma insert "or"

Page 1, line 21, remove ", or other"

Page 1, line 22, remove "institution"

Page 2, line 1, remove "Direct the education of the child, including the right to choose public, private,"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "b."

Page 2, remove lines 6 through 21

Page 2, line 22, replace "j." with "b."

Page 2, line 23, replace "a" with "or other"

Page 2, line 23, remove ", or other institution"

Page 2, line 24, remove "or institution"

Page 2, line 27, replace "k." with "c."

Page 2, line 30, replace "l." with "d."

Page 2, line 31, replace "m." with "e."

Page 3, line 10, remove "A parent may bring suit for a violation of this section and may raise the section as a"

Page 3, remove lines 11 through 16

Page 3, line 17, replace "government employee" with "A school board shall indemnify and hold harmless all school personnel for a violation of this section"

Page 3, line 28, remove "\"Educational records\" includes attendance records, test scores of school"

Mg
4/14/23
282

Page 3, remove lines 29 through 31

Page 4, remove lines 1 and 2

Page 4, line 3, remove "d."

Page 4, remove lines 6 through 8

Page 4, line 16, remove "syllabus."

Page 4, line 16, remove ", and teacher training materials"

Page 4, line 17, replace "that" with "in which"

Page 4, line 17, remove "in at least seven days before"

Page 4, remove lines 18 through 25

Page 4, line 26, remove "of the curriculum or teacher training materials"

Page 4, line 27, replace "(3)" with "(2)"

Page 4, line 30, replace "notify" with "allow"

Page 4, line 30, remove "at least three days in advance and obtain the"

Page 4, line 31, replace "parent's written consent before the parent's child attends" with "to opt-out of"

Page 4, line 31, remove "or"

Page 5, remove line 1

Page 5, line 2, replace "expression, sexual orientation, or romantic or sexual relationships" with "the parent deems inappropriate for that parent's child"

Page 5, line 3, remove "Procedures for a parent to object to a specific presentation or instruction on the"

Page 5, remove lines 4 through 15

Page 5, line 16, remove "g."

Page 5, line 17, replace "the laws of this state" with "this section and section 1 of this Act; and"

e. A policy providing a school may not require an individual to use pronouns to refer to a child which do not align with the child's sex"

Page 5, line 29, remove "A parent may bring suit for a violation of this section and may raise the section as a"

Page 5, remove lines 30 and 31

Page 6, remove lines 1 and 2

Page 6, line 3, replace "and other appropriate relief" with "A school board shall indemnify and hold harmless all school personnel for a violation of this section"

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2260, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", and a new section to chapter 23-12"

Page 1, line 3, replace the first comma with "and"

Page 1, line 3, remove ", and parental right to consent to"

Page 1, line 4, remove "medical treatment of the parent's child"

Page 1, line 16, remove "and"

Page 1, line 16, after the second "health" insert ", and moral or religious training"

Page 1, line 17, remove "of the highest order"

Page 1, line 21, after the second underscored comma insert "or"

Page 1, line 21, remove ", or other"

Page 1, line 22, remove "institution"

Page 2, line 1, remove "Direct the education of the child, including the right to choose public, private."

Page 2, remove lines 2 and 3

Page 2, line 4, remove "b."

Page 2, remove lines 6 through 21

Page 2, line 22, replace "j." with "b."

Page 2, line 23, replace "a" with "or other"

Page 2, line 23, remove ", or other institution"

Page 2, line 24, remove "or institution"

Page 2, line 27, replace "k." with "c."

Page 2, line 30, replace "l." with "d."

Page 2, line 31, replace "m." with "e."

Page 3, line 10, remove "A parent may bring suit for a violation of this section and may raise the section as a"

Page 3, remove lines 11 through 16

Page 3, line 17, replace "government employee" with "A school board shall indemnify and hold harmless all school personnel for a violation of this section"

Page 3, line 28, remove """Educational records" includes attendance records, test scores of school"

Page 3, remove lines 29 through 31

Page 4, remove lines 1 and 2

Page 4, line 3, remove "d."

Page 4, remove lines 6 through 8

Page 4, line 16, remove "syllabus."

Page 4, line 16, remove ". and teacher training materials"

Page 4, line 17, replace "that" with "in which"

Page 4, line 17, remove "in at least seven days before"

Page 4, remove lines 18 through 25

Page 4, line 26, remove "of the curriculum or teacher training materials"

Page 4, line 27, replace "(3)" with "(2)"

Page 4, line 30, replace "notify" with "allow"

Page 4, line 30, remove "at least three days in advance and obtain the"

Page 4, line 31, replace "parent's written consent before the parent's child attends" with "to opt-out of"

Page 4, line 31, remove "or"

Page 5, remove line 1

Page 5, line 2, replace "expression, sexual orientation, or romantic or sexual relationships" with "the parent deems inappropriate for that parent's child"

Page 5, line 3, remove "Procedures for a parent to object to a specific presentation or instruction on the"

Page 5, remove lines 4 through 15

Page 5, line 16, remove "g."

Page 5, line 17, replace "the laws of this state" with "this section and section 1 of this Act;
and

e. A policy providing a school may not require an individual to use pronouns to refer to a child which do not align with the child's sex"

Page 5, line 29, remove "A parent may bring suit for a violation of this section and may raise the section as a"

Page 5, remove lines 30 and 31

Page 6, remove lines 1 and 2

Page 6, line 3, replace "and other appropriate relief" with "A school board shall indemnify and hold harmless all school personnel for a violation of this section"

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 16

Renumber accordingly

TESTIMONY

SB 2260

Members of the Senate Judiciary Committee,

My name is Seth Flamm and I reside in District 27. I am asking that you please render a DO PASS on Senate Bill 2260.

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Seth Flamm

Members of the Senate Judiciary Committee,

“My name is Patricia Burckhard and I reside in District 15. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Patricia Burckhard

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in opposition to Senate Bill 2260. I ask that you give this bill a Do Not Pass.

I have two objections to this bill. The first is the requirement that teachers provide curriculum for their classes 7 days, or even 3 days, in advance. Teaching happens at different speeds. Sometimes a class will move quickly through a portion of the curriculum, or get stuck in one area and need to be taught that subject in a different way. Requiring all curriculum at the detail level SB2260 states to be filed publicly 3 – 7 days in advance hogs teachers and will result in less education in the state of North Dakota. This is especially true as it relates to gender roles. If a student asks about different roles for men and women during the 1800's, for example, if it wasn't in the original outline for the lesson, does the teacher have to say, "Let me get back to you in 4 days?" A student's natural curiosity is often the best teaching tool.

My second objection is section 2, 2.f, banning the use of nicknames and preferred pronouns. This section goes against everything we know about psychological support of teenagers. It will make life harder, not just for transgender teens, but all teens who are struggling to figure out who they are in the world. Teens try out identities to figure out what is a true expression of who they are and what is just who others think they should be. When this kind of self-expression is not allowed, teens can fall into clinical levels of things like depression and anxiety. For transgender teens, studies show that one adult using the pronouns and name they prefer can reduce their suicide rate. The trans youth data survey showed that 74% of transgender youth in North Dakota contemplated suicide and 46% attempted. If this bill prevents that one adult from helping these kids, the numbers could rise. If the point of this bill is to assist these teens in killing themselves, it has the potential to be effective. My church hosts our community's Transgender Day of Remembrance service each year. Saying the names of North Dakota youth who die from suicide because they don't see a pathway to functional adulthood amidst a state they fear is trying to kill them is one of the most heartbreaking things I do.

Please do not pass this bill.

Thank you for your time, consideration, and service to our state

Best regards,

Rev. Michelle Webber

I strongly oppose this bill. Trans children should be able to explore their gender identity in completely harmless ways, such as using a name or pronouns that more accurately matches their gender identity. Children may see schools as a safe zone where they can express their gender identity, and parents may not be supportive of their children's gender identity. This can become dangerous for children, because it would take away their potential only safe space to express themselves. This could contribute to significant mental health concerns for trans children who do not have safe spaces to express themselves.

The fact that this bill is being considered shows ignorance on the part of the bill's sponsors. Our state needs to work to be more inclusive of all of our citizens, not target an entire demographic because of personal prejudices. The fact that this bill is being considered is embarrassing for our state. It shows such ignorance of factual information and the discriminatory behavior of our lawmakers.

Megan Degenstein, Ph.D.
Licensed Professional Clinical Counselor

DO PASS - SB 2260

Dear Members of the Senate Judiciary Committee,

Please render a DO PASS on Senate Bill 2260.

North Dakota should be clear in its respect for the responsibility of parents as the primary directors in the upbringing, education, and care of their children.

Thank you for considering this critical bill, and for your service to North Dakota.

Sincerely,

Rebekah Oliver

District 11

Mariah Bates
Williston, North Dakota
House Bill 1502

Members of the Senate Judiciary Committee,

My name is Mariah Bates and I reside in District 1, I am asking that you please render a DO PASS on House Bill 2260.

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration of this important issue and for your service to the state of North Dakota.

Mariah Bates

Members of the Senate Judiciary Committee,

"My name is Susan Draper and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2260."

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Susan Draper

January 22, 2023

To Whom It May Concern,

My name is Tim Baumann and I live at 1308 35th Ave. SW in Minot. I am writing today to express my opposition to SB 2260. This legislation is an incredible burden to place on professional educators and school systems to appease a small number of individuals. It also does little to acknowledge and respect the professional credentials of educators, who by the time they reach the classroom, have met or surpassed numerous licensing requirements.

Respectfully Submitted,

Tim Baumann

1308 35th Ave. SW

Minot, ND 58701

Members of the Senate Judiciary Committee,

“My name is Lisa Pulkrabek and I reside in District 31. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Lisa Pulkrabek

Members of the Senate Judiciary Committee,

“My name is Wade Pulkrabek and I reside in District 31. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Wade Pulkrabek

Members of the Senate Judiciary Committee,

My name is Andrea Leingang and I reside in District 34. I am asking that you please render a DO PASS on Senate Bill 2260.

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Thank you for your consideration of this important issue and for your service to the state of North Dakota.

Members of the Senate Judiciary Committee,

My name is Cionda (C.C.) Holter and I reside in District 3. I am asking that you please render a DO PASS on Senate Bill 2260.

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Cionda (C.C.) Holter

701-580-4746

Members of the Senate Judiciary Committee,

My name is Jacob R. Holter and I reside in District 3. I am asking that you please render a DO PASS on Senate Bill 2260.

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Jacob R Holter



Members of the Senate Judiciary Committee,

"My name is Kimberly Bieber and I reside in District 0702. I am asking that you please render a DO PASS on Senate Bill 2260."

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Kimberly Bieber



**North Dakota Senate Judiciary Committee
Senate Bill 2260**

**Written Testimony of Matt Sharp
Senior Counsel, Alliance Defending Freedom**

Alliance Defending Freedom is the nation's leading nonprofit legal organization that advocates for religious liberty, free speech, life, and marriage and the family. We regularly analyze proposed laws and their effect on constitutional freedoms. ADF also currently represents families in several states who have personally suffered under government policies that deprive parents of their right to raise and educate their children consistent with their beliefs and values.

Everyone should care about how children are raised. They become our nation's leaders, after all. Everyone should also be able to agree that, in nearly every case, parents are best positioned to protect their children's health and welfare.

Parents take care of us before we can take care of ourselves. They bring us into the world. They teach us to walk, to talk, to love. They prepare us to enter society and live as upstanding citizens. Of all the people who share in shaping a child's moral character and the adults they become—from teachers and coaches to spiritual mentors, extended family, and others—parents have far and away the deepest and most enduring influence.

Therefore, our laws must protect the right and ability of parents to direct the care and upbringing of their children. We must support parents by giving them the tools and support they need as they nurture and prepare children for adulthood.

Sadly, we are seeing growing instances nationwide of government officials actively seeking to replace parents as the ultimate determiners of what's best for children. Some schools are indoctrinating students into divisive ideology that subject them to unequal treatment because of their race, ethnicity, religion, and other characteristics. Government policies are promoting a destructive gender ideology and even keeping students' mental health struggles secret from parents. And medical institutions are performing harmful, experimental procedures on children who experience a sense of disconnection between their sex and their internal sense of gender.

- A Madison Metropolitan School District policy instructed district employees to assist children of any age to adopt a transgender identity at school upon the child's request, without notice to or consent from parents. The policy required teachers and staff to conceal this action from the parents and even instructed employees to deceive the parents by calling the child by his or her preferred name at school but using the child's birth name around his or her parents to keep them in the dark.
- A 12-year-old student in the Kettle Moraine School District in Wisconsin was experiencing increased anxiety and depression, and a school counseling program pushed her to say she wanted to be a boy. Her parents wanted to give her time to work out her anxiety and depression, but school officials said that no matter the parents' wishes, they would refer to the couple's daughter by whatever name and pronoun she chose. The school blatantly ignored the parents' decisions regarding their child's mental health.
- A school district policy in Albemarle County, Virginia sowed racially divisive ideology into the classroom. The policy mandated classroom activities that demeaned and attacked students based on their race, ethnicity, and religion. It also forced them to support ideas that go against their beliefs. Parents are unable to opt their children out of lessons that include hostile racial stereotyping, and as a result, these children are being taught to judge everyone and everything through the lens of race.
- Parents with children enrolled in Harrisonburg, Virginia Public Schools were being excluded from conversations about their children's mental health, and teachers were forced to deceive parents about their children's struggles. Under district policy, teachers were required to affirm the school board's view on gender identity by using any name and pronoun a student requests. This policy also forbids staff from sharing this information with parents.
- And in Jacksonville, Florida, a family was devastated when they received a call that their elementary-aged daughter had attempted to hang herself in the bathroom at school. As the family pressed for answers from school officials, they discovered that their daughter had been struggling with gender confusion. The school had been pushing this confusion, referring to the young girl by male pronouns and hiding the young girl's struggles from the parents because of hostility against the family's faith.

SB 2260 will help ensure that what happened to these families does not happen to families in North Dakota. Parents' choices about how best to raise their children should not be ignored or overruled by school officials. Instead, it is in kids' best interests for parents to be involved any time a child faces serious issues at school, whether academic, social, or mental or emotional health. Parents love and

care for their children far more than any government bureaucrat will ever do. And parents must be immediately informed when such issues arise so that they can help their child navigate and overcome any challenges.

SB 2260 will protect North Dakota families by doing three things:

First, the bill recognizes that parental rights are fundamental rights—co-equal to other fundamental rights like free speech or the free exercise of religion. As a result, the government may only interfere with parents’ decisions when it has a compelling reason to do so, such as protecting a child from physical abuse.

Second, the bill expounds on the scope of parental rights, including decisions concerning a child’s education, moral and religious upbringing, and health care. It ensures that parents are empowered to make decisions regarding their child’s physical and mental health. It requires schools to be transparent about what they are teaching children and to respect parents’ wishes when it comes to divisive and potentially harmful issues including gender ideology that conflicts with the families’ beliefs and values.

Finally, the bill provides a legal remedy for families whose rights are violated. Otherwise, families may be left with no recourse when the government tramples their rights.

Fourteen other states have enacted laws like SB 2260 that help to protect parental rights against inappropriate government intrusion. By passing SB 2260, North Dakota would join these states in restoring parental rights to a “top-tier” right and would take a strong, principled stand with parents throughout the state.

Parents love and know their children best. While the state has an interest in promoting the education of children and protecting their health and safety, it must pursue those goals in a manner that respects the rights of parents. SB 2260 ensures that state and local officials respect the unique role and authority of parents to raise and train their children.

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1249. I ask that you give this bill a Do Not Pass.

The reason for this is that I am against bills that endorse discrimination as policy. This bill hurts our state as it intrudes on individual liberties and causes actual harm to LGBTQ+ people in North Dakota, contributing to higher suicide rates among LGBTQ+ youth and mass exodus of youth from our state whether they are LGBTQ or not.

Among queer youth in North Dakota:

- 74.7% Have ever seriously considered suicide (Middle School Data)
- 46.3% Have ever attempted suicide (Middle School Data)
- 94.4% Do not talk to parents when feeling sad, empty, hopeless, or angry (High School Data)
- 72.7% Didn't feel safe at school most of time or always (High School Data)
- 61.0% Bullied on School Property (Middle School Data)
- 27.0% Didn't Sleep in Parents Home + 20.0% Have Run away or homeless (High School)

Thank you for your time, consideration, and service to our state

Best regards,

Kaitlyn Kelly

To Whom It May Concern,

I am writing as a healthcare provider licensed and practicing in North Dakota. I am writing with concerns regarding Senate Bill 2260. I truly can't speak to the education piece of it as I am not an educator and my children attend school in Minnesota. However I have many concerns regarding the medical care provisions. There are situations in which it is in the best interest of a minor for them to be able to access medical care without parental consent. While we would like to believe that parents always make the best choices for their children, sometimes that just isn't the case. The situation that I am most concerned about is access to contraception, which is currently not explicitly addressed in North Dakota law. Right now 23 states and the District of Columbia allow all minors to access birth control without a parent's consent, and another 24 states allow it in certain circumstances, such as when a minor is married, has been pregnant in the past, reaches a certain age, or when a healthcare provider deems that the minor would face a health hazard without these services. The provisions in section 3 subsection 4 only allow exceptions in the case of an emergency, to prevent "death or imminent, irreparable physical injury," or when parents cannot be located. These exceptions are far too narrow to cover every situation in which a minor may need access to care without a parent. A minor who is being sexually abused, for example, may not be ready to disclose the abuse but may still decide she wants to start birth control to prevent pregnancy. Research shows that teens are going to have sex with or without birth control, and giving them easy access to birth control is the best way to prevent unintended pregnancy.

This legislation would also restrict youth access to mental health services without parental consent. Access to mental health is critical for youth. Again, many may not disclose that they are being physically, emotionally or sexually abused – or that they are severely depressed or suicidal – without first having access to confidential mental health services.

Healthcare providers always encourage youth to discuss sexual and mental health with their parents if they can do so safely. Tying the hands of healthcare providers using these laws will lead to an increase in teen pregnancy, sexually transmitted infections and suicide.

I have attached a link to an article that discusses this issue in much greater detail. It also reviews the many times that teen's rights to confidential care have been upheld by the Supreme Court. Passing this law is a waste of time, as it will be immediately challenged in court and will not succeed.

Regards,

Tanya Baity

Certified Nurse Midwife

<https://www.aclu.org/other/preventing-teenagers-getting-contraceptives-unless-they-tell-parent-puts-teens-risk>

January 23, 2023

Chairperson Larson and Committee Members,

I strongly urge a Do NOT Pass on SB 2260. Recruiting and retaining qualified, excellent teachers in North Dakota is critical to the success of our communities and our state. Yet we find ourselves in the midst of a critical shortage of teachers. Section 2 heaps additional, unnecessary burdens upon teachers, administrators, and school board members - burdens that could create even more teacher retention issues and which do not benefit the broader community. The best way to build up our education system is through engagement and the building of trusted relationships between parents, teachers, and administrators - not through government regulations.

I urge a Do NOT Pass on SB 2260.

Sincerely,
Sylvia Bull
522 N 16th St
Bismarck, ND 58501



Senate Judiciary Committee

SB 2260

January 24, 2023

Chair Larson and Committee Members, I am Courtney Koebele and represent the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA opposes SB 2260.

Under long-standing policies and procedures, all hospitals, clinics and physicians obtain consent from the parent when treating a minor. However, the consent is not always written. Many times, the parent is not the person bringing the child to the appointment. As the bill is written, a doctor would have to get a written consent form from a parent before examining a child, or prescribing medication to a child, even though the parent is bringing the child to the appointment or picking up the prescription. This is an unnecessary additional requirement in an environment that is already highly regulated and monitored.

There are many exceptions in North Dakota century code for minor's ability to consent to medical care. For example, ND Cent Code 14-10-07, allows for any person 14 years or older to receive treatment for a sexually transmitted disease, alcoholism, or drug abuse without consent from their parent. Is it the intent of this bill to overrule that long-standing policy?

NDMA urges a DO NOT PASS of SB 2260. Thank you for the opportunity to address this committee. I would be happy to answer any questions.

As a mother of a transgender teen in the North Dakota Public School System, I strongly oppose SB 2260. Transgender children should be able to explore their gender identity, and schools are often a safe space to do so. This bill would remove a safe space for transgender children which can lead to a detriment effect on their mental health. In addition, this bill is also counter to other anti-LGBTQ+ bills being proposed this session, such as HB 1254 and 1301 which removes the parent's fundamental right to make decisions for their child with their medical doctor. SB 2260, HB 1254, and HB 1301 make no sense together. Please do not support this legislation as it is harmful and discriminates against transgender people.

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in opposition to Senate Bill 2260. I ask that you give this bill a Do Not Pass.

I am a public school educator and a 29 year resident of North Dakota. SB 2260 actively harms the students I serve and prohibits the ability of public schools to adequately provide the free and appropriate education of all students.

SB 1254 as written is nearly impossible to enact and enforce. Educators require the flexibility to modify syllabi and lesson plans to meet the needs of students. Enforcing a steadfast curriculum determined prior to the enrollment of students ensures the reality that many learners will fall through the cracks. Schools genuinely encourage the engagement and involvement of parents in the learning process. This bill attempts to solve a problem that does not actually exist and will harm students, schools, and teachers in the process.

Thank you for your time and consideration.

Sincerely,

Christopher Brown

Members of the Senate Judiciary Committee,

“My name is Kayla Johnson and I reside in District 26. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Kayla Johnson

SB 2260 Do Pass

Gordon Greenstein

Bismarck, ND District 35

Chairwoman Larson and the Judiciary Committee, I urge a DO Pass on SB 2260.

I believe it is the fundamental right and responsibility of parents to be the administrator of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank You

Gordon Greenstein

US Navy (Veteran)

US Army (NDNG Retired)



1 SB 2260

2 Testimony in Opposition

3 Chairperson Larson and members of the Judiciary Committee. For the record my name is
4 Kevin Hoherz, I am from the North Dakota Council of Educational Leaders representing
5 school leaders across North Dakota. I come to you in opposition to SB 2260.

6 We believe parents are a vital piece of the educational puzzle. School districts should
7 reach out to parents and get their valuable input. Some of the components of this bill
8 are outlined already in some school board policies. There are some components outlined
9 in this bill are a concern and it should be up to the local school boards to accept the
10 policies that is a best fit for their districts.

11 A few areas that may be questionable are requiring permission from parents or informing
12 parents of a child’s mental, physical, or emotional health. There are times Social Services
13 may need to visit with a child about abuse or unhealthy situations in the home. These
14 need to be done confidentially. Also, there are times for counselors or other behavioral
15 health school workers to establish trust with a student to get the student to open up to
16 be the best help to the student.

17 The review of the curriculum requirements in SB 2260 for a course seven days before the
18 course begins will cause hardships for our schools. Must courses have a syllabus that
19 outlines the course content and expectations for the semester or year. To have all course
20 expectations that may happen in April done in August more than likely will not be
21 accurate. There are “teachable” moments that occur often that are difficult to plan.



- 1 Teachers often adjust their curriculum and lessons throughout the year. They should be
- 2 able to do so freely as long as it is in conjunction with the course content standards.

- 3 Based on school operations we come out in opposition of SB 2260.

Members of the [Senate Judiciary Committee](#),

My name is Rosemary Ames and I reside in District 9B. I am asking that you please render a DO PASS on Senate Bill 2260.

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Rosemary Ames

Dear Chair Weisz and members of the House Human Services Committee, My testimony is in opposition to House Bill 2260. I ask that you give this bill a Do Not Pass. The reason for this is that it is harmful to our children and you are attacking the constituents that you are relying on to keep you in office. You are wasting the tax payers money attacking them and their children.

a. Personal Impact: This bill impacts the people I care about, because I have children who are non-conforming and they have friends who are non-conforming. You are teaching them that they do not have or deserve body autonomy. This sets them up to be assaulted physically, sexually, and emotionally.

b. Unintended Consequence: This bill creates inconsistency with interstate competition and could invite lawsuits, other consequences may include children harming themselves or even attempting suicide. Both things I will not hesitate to make known the role you played in causing this. Thank you for your time, consideration, and service to our state.

Best regards,

Rody Hoover Schultz

Senate Bill #2260

68th Legislative Session

Senators: Paulson, Lemm, Wobbema

Representatives: Dyk, Heilman and Novak

I am writing in opposition to Senate Bill #2260. I am a parent of a transgender person here in the State of North Dakota. I am a very open-minded person and spoke to my children about life in very age appropriate terms and context but kids rarely share themselves completely no matter how close the parent and child relationship seems to be.

I thought my kids could tell me everything and wouldn't hesitate, but I am here to say I was wrong and kids don't feel parents are someone they can confide in. I have had that in my relationship with my parents, my relationship with my own children, to my surprise, and I hear that from my children's friends. Why would kids confide in their parents when the kids are raised to obey and listen to their parents because the parents were the boss, the authority figure, the one who ruled the home. That isn't what a friend is and so to believe parents have this bond to which their children would confide in them without holding back is a fallacy.

Kids don't like to disappoint their parents, cause trouble or have their parents come unglued towards them. Kids will keep secrets from their parents just to avoid a lecture, being punished or the feeling of letting down their parents in some odd way. Let's be honest, how many of you confided explicitly without holding anything back from your parents? None of you lied about who you were with, what you did when you were in high school? Most teens hold back details in their life but they then look to friends or a teacher, school counselor. The teacher, school counselor and friends would be safe to talk to because they wouldn't judge like parents do.

My child came out to me as transgender, and I admit I handle the news very well that night. After I calmed down, I realized I needed to put my child in front of a counselor ASAP. I am that kind of parent. Once I calm down, I go into action mode and immerse myself with the issue and learn about it. That way I can do what is best for my child. Which was counseling but it was also family counseling. That is where my husband and I learned that it was our lack of knowledge that is the issue, not my child being transgender. My child was born transgender. In utero her body formed first then her brain. The brain and body don't match each other so therefore she is transgender. MRI scans show that she has a female brain. Male and female brains are physically different and MRI scans can see the brain difference between male and female brains.

So, if a child knew that his/her parent would be very upset, explode at the news, then of course the child wouldn't tell the parent. However, the child should have someone who is "safe" to confide in. Just like in situations of abuse, dark thoughts, family troubles at home, kids are more apt to tell a counselor or teacher than walking up to the parent. Their home life might be very volatile so why would you take away the only "safe person" that child has? That isn't in the best interest of the child.

Senate Bill #2260

Many parents make decisions that affect their child on the basis of how the parents' friends would react or fear of what the community or their church would think and say. That is awful and so self-serving, void of any concern and care of what the child is going through. I know of a situation where a single parent was told his teenager was transgender and that dad threw the child out of the house. Now that child would have no one to help them if this bill was passed. The child couldn't go to a teacher or counselor for help. Parents don't always do the right thing and sometimes the parent does more harm than good.

Parents who refuse to help their child who is transgender might end up with a child who runs away, indulges in drugs or alcohol to numb their pain or worse case scenario, the child commits suicide. What then? Was the parent still doing the best they could for the child? I made the decision very early on I was going to do what I could to help my child. I wanted a child who was happy, health physically and mentally and knew that my love didn't disappear because my child is transgender. Not every parent can do that. Not every parent can focus on the child and do the hard work. It's a lot easier to deny that the child is transgender, it is a lot easier to demand the child to confirm to what the parent wants and to ignore the pain and suffering the child is in because the parent is focusing only on themselves.

Parents don't educate themselves by conversing with doctors and or counselors who specialize in transgender. Religious clergy DO NOT know what transgender is either. Saying that God made you one way and that is it is what someone ignorant of the facts says. God also made the child who was born with a club foot, crossed eyes, all sorts of things that a doctor would fix. The difference here is that people can see what the issue is right away. Transgender kids wait until they can articulate how they see themselves in a mirror. That verbiage only comes with age.

North Dakota is not a state in which people are open minded or embrace change well. People here fear progress unless that progress adds to their bank account. School counselors are educated to help kids with all sorts of things and the counselors also have a better idea of what is going on in the school versus most parents. Kids are more likely to seek the help of someone whom they consider safe to talk to.

As a parent why would you remove this safe option from your child? Would you as a parent rather have your child run away or kill themselves because they felt life was hopeless and no one listens to them so why bother living? Is that the trade off parents in North Dakota want? Is that what this legislative body wants, is for parents to make horrific mistakes so their child suffers or dies? This bill isn't thinking of kids at all and what is best for them. This bill is focusing on eliminating options for transgender kids. This bill is discriminatory and does not take into consideration that the state isn't skilled counselors nor does the state know much if anything about transgender issues.

As a parent of a CIS child and a transgender child, I find this bill offensive. To try to shroud this bill as a parents right to govern their child while flimsy covering up the lines that specifically point to transgender kids. This bill doesn't help kids, it doesn't help parents either. This bill does help keep transgender kids from getting help that they need. It isolates the transgender child and escalates their level of emotional stress and pain.

The authors of this bill and many other anti-transgender bills are bullies that are picking on children in the State of North Dakota. It's easy to see that the legislature body has found a group that they have zeroed in on to eliminate and or erase from North Dakota. Very much like what Hitler tried to do with the Jews. This has nothing to do with helping transgender families but it is all about keeping North

Senate Bill #2260

Dakota population at a certain way, to do away with anyone who is different and not like themselves. Again, that's what Hitler did and how did that work out? You can't erase people. People are who they were born as, it is that simple. A person can't be made transgender any more than a person can be made gay or be made heterosexual. That is all lies and myths that people say who have an agenda and want to spin a false narrative, so their audience buys their lies and stories.

Kids know their own selves. As parents, we need to listen to our kids. The state needs to stop thinking about keeping this state as it was in their mind 50 or 60 years ago. Transgender people were around then just like they have been around since time began. The state should focus on helping people who need help; those who have little to no voice such as the youth of this state, especially the ones who are marginalized. The CIS kids suicide rate is much smaller than those who are transgender. That's what you should be focusing on, helping to keep all kids alive.

I can say that the actions I took I now have a happy and healthy daughter. I also know that if I was the type of person who easily folds to what society or my community pressure dictates, I would most likely not have my daughter live today.

Stop illuminating choices and helpful options for transgender kids. The transgender kids don't deserve this; they didn't do anything to warrant your hateful bill nor your total lack of care and regard. They just want to be themselves as they see themselves, not anyone else. Their true authentic self.

Kristie Miller
Parent of Transgender

01/23/2023

HB 2260

Testimony in Opposition

Chairperson and Members of the Committee:

I oppose HB 2260 as it undermines the role and responsibility of our public school educators and medical providers. The general undertone of this bill is that as parents we do not and should not trust our healthcare providers and educators to do their due diligence in involving parents in the care of their children as well as providing the best care and education to our students. Why are we so suspicious of our public servants? As a parent, I am fully satisfied with the involvement I already have from my children's teachers and medical providers. And practically, I do not want to be bothered for written consent every time my child attends an event, special speaker, or watches an educational film. As parents, we are already overwhelmed by getting our kids to school, getting to work on time, picking kids up, and getting homework finished in the evening. I do not want to have to drive into the school every other day to sign consent papers. This bill is just simply impractical.

Imagine enforcing this bill on your own job. Do you have your work done and prepared for review seven days before it's due? I certainly do not. The added workload that this puts on our educators to be available to meet with parents to review every item of curriculum, have it prepared way ahead of time, run around collecting consent from parents- it's absurd. If parents are so distrustful of their child's school staff members, maybe they should home school or look at alternative educational options.

Again, I am grateful for my children's teachers and medical providers. I am already adequately involved in their education and medical care. I already receive frequent updates from teachers about the topics covered in school. Any caring and involved parent already has access to their students' teachers and medical providers. We do not need to burden our community with the unnecessary busy work of this bill.

Please provide a DO NOT PASS on HB 2260.

Thank you for your time,

Naomi Tabassum

Fargo, ND

Chairwoman Larson and members of the Senate Judiciary Committee,

My name is Maura Ferguson and I am writing this testimony as a resident of ND and independently from my employer. My views do not represent my employer. I write to you today as a community organizer, a mother, and as someone who cares very much about the LGBTQIA+ community.

I am writing in opposition to SB 2260. This bill would place undue burden on our schools. There are many sections of this bill that are redundant, as parents already have access to educational records under FERPA. There are also sections of this bill that are extremely impractical - if parents need to consent in writing for every physical and mental health decision, would this mean that they'd need to sign off for every bandaid? Every time a teacher shares words of encouragement to cheer a student up to improve their mental well-being?

Additionally, as a mandated reporter I have concerns regarding the requirement of notifying parents when a 960 is filed. This is extremely vague and does not state who would be the one to notify in the event that a 960 is filed, which has the potential to no longer make the 960 report anonymous. Moreover, there are times that it would place a child in even greater danger if a caregiver were to be notified about a 960 filing and this bill does not seem to recognize that particular scenario.

Lastly, there are large sections of this bill that are discriminatory and rooted in homophobia and transphobia. That is morally and ethically wrong and should not be promoted by the ND legislature. LGBTQIA+ youth are some of our most vulnerable and we should do all we can to protect them.

For these reasons, I urge you to vote Do Not Pass SB 2260.

Sincerely,

Maura Ferguson, LMSW
Grand Forks

January 23, 2023

Chairperson Larson and Committee Members,

I strongly urge a Do NOT Pass on SB 2260. This bill is in direct conflict with federal law which gives minors the legal right to health information privacy at age 12. The ability to for teens to have private conversations with their health care provider is a vital right which encourages teens to seek out medical assistance with substance abuse, sexual transmitted diseases, and family planning.

I urge a Do NOT Pass on SB 2260 as this bill removes protections for minors and discourages teens from seeking the assistance of medical professionals.

Sincerely,

Gretchen Deeg
Bismarck, ND

Thank you, Chair and members of the Human Services Committee, my name is Karen Krenz and I am asking that you please render a DO PASS on Senate Bill 2260. I reside in District 1 in Williston and mom of 3 boys, I was a teacher and counselor for combined 23 years in multiple districts. chair of the Moms for Liberty Williams County chapter, I as a parent we guide, protect and are responsible for our child until they are 18 years old and beyond. I expect rights as a parent to know if they are being surveyed, having to conform to things that are not in line with my family values, conforming to opposite sex in bathrooms, being taught United Nations Sustainable Goals and expect to have a right of input for choices that are being made for my children. The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 2260. I ask that you give this bill a Do Not Pass. To be LGBTQIA2S+ cannot be groomed or changed by anyone. The science has already proven it. Youth is constantly told by the state of ND that they are less than. We have some high suicide rates among our LGBTQIA2S+ youth because of these very actions of our state.

You can't say that you want to protect the children of North Dakota and then pick and choose. Truly it is that simple.

It is for these reasons that I ask you to vote Do Not Pass. Thank you for your time, consideration, and service to our state.

Best regards,

Sarah Galbraith

In support of SB2260

This bill is necessary because after speaking to our local school board multiple times, they went on to accept policies that give the school the right to keep secrets from parents about their own children and train teachers to teach CRT because the law passed last session didn't have any consequences. The children of ND are being exposed to curriculum about changing genders, groomed by secret-keeping alphabet "allies," and learning that they are either victims or oppressors depending on the color of their skin. The school's job is to educate children, not indoctrinate them into woke ideology and against ND values.

Erin J McSparron

Thank you, Chair and members of the Senate Judiciary Committee, my name is Sharlet Mohr, I am from District 23. I am asking that you please render a DO PASS on Senate Bill 2260.

I was thinking that to have same sex bathrooms perpetuates a lie. When each of us was born the doctor pronounced; it's a boy or it's a girl. There are only two genders period, to say anything different is a lie. We all know it, because it is the truth. If you look at the animal kingdom, they are NOT confused. To promote same sex bathrooms promotes, perversion and places our children in harm's way. This thought pattern, breaks the individual and it breaks families. We have to face facts here, our poor children are confused enough in this world, and to further promote that confusion by adding same sex bathrooms is truly a crime. What it will promote is perversion that will harm ALL children.

Look at what is happening across the Nation now. Parents just like ourselves are pushing back. We've had enough. There is a reason that 2500 people showed up to a library where Kirk Cameron hosted a family hour for children. We are in charge of our children, to love them, protect them and teach them right from wrong, and give them an education so that they may grow up and be healthy productive citizens and raise families of their own. NOT to promote perversion and brokenness.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

January 23, 2023

Re: SB 2231

Dear Chair Larson and Senate Judiciary Committee

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic in Fargo, ND. Among the primary populations of people I serve are lesbian, gay, bisexual, transgender, queer, intersex, asexual, aromantic, and Two Spirit (LGBTQIA2S+) folks in North Dakota – including students in North Dakota’s public schools. I am a former elected school board member and I have two children in public schools. It is from these intersecting experiences that I urge you to vote **Do Not Pass on SD 2260**. If passed, this bill would do irreparable harm to transgender students throughout North Dakota, be costly and contains no funding mechanism, and drive teachers out of the state.

First, the data on the lethality of being a young trans person in the State of North Dakota is concrete. For trans high schoolers in North Dakota we know:

- More than half seriously considered suicide in the last year
- That rate is 3.3 times higher than their straight cisgender counterparts
- 30.4% attempted suicide in the past 12 months
- That is five times higher than their straight cisgender counterparts

This is data that focuses solely on youth in North Dakota is from the 2021 Youth Risk Behavior Survey. These are the stats before the 2023 North Dakota legislature introduced multiple bills either directly targeting or severely disrupting the lives of our transgender friends, family, and neighbors. **Further, peer reviewed research from the Trevor Project shows transgender children who have one supportive adult in their lives are 39% less likely to attempt suicide.** This bill would rob so many children, who may not have one supportive adult at home, of the opportunity to have one at school. It is not hyperbolic to say, this bill will endanger the lives of North Dakota students.

Second, North Dakota school districts are already working on ways to get parents more involved with their child’s education. Schools have data that demonstrates kids with parents who are involved with their education do better. This is not new information. Perhaps, North Dakota’s time and money would be better spent helping parents attain work/life balance, so they are able to be more involved with their child’s education.

Third, what is the funding mechanism that would make these new requirements possible or is this another unfunded mandate schools will be forced to manage?

Lastly, this bill will absolutely drive teachers out of the state. During my time on the board, I heard teachers say, time and again, that teaching now is drastically different from teaching 20 years ago. Kids are coming to school with more trauma and less support. Teachers are continually asked to do more with less, and to thank them for their tireless efforts, the North Dakota legislature proposes more restrictions and less flexibility on teachers, who are already bending over backward to do just about everything in this bill.

North Dakota students need to be able to rely on their teachers, principals, and school staff to support them, if they are not getting that support at home. North Dakota teachers and school districts need to be able to rely on the North Dakota Legislature to remove barriers to providing high quality education to all students. For these reasons I urge you to vote **Do Not Pass on SB 2260**.

Sincerely,
Kara Gloe, LMSW
Canopy Medical Clinic

Members of the Senate Judiciary Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a do pass on Senate Bill 2260. As a parent of four children, I expect North Dakota to acknowledge and uphold my parental rights, including my involvement in their education. I have always been a parent that has *trusted* the school system. However, over the past few years I have found myself defending my parental rights with my children's school district. I had expectations my school district would not teach my children socialism but rather teach approved curriculums that align with the North Dakota educational standards. Since there is an inadequate curriculum approval process, my 7th grade child last school year was taught directly from the United Nations Agenda 2030. For me, it became the turning point that prompted further investigation in my children's education. It became evident that there were more matters in question with our school district's academic expectations. Not only was my child taught an unapproved curriculum, but I also discovered *all* students were being excessively surveyed without parental consent. This underscores my parental rights were violated under the federal law of the Protection of Pupil Rights Amendment. My active involvement in my children's education has consumed nearly all of my leisure time because my school district administration is not receptive to listening to my concerns. I fully support this bill that acknowledges and preserves my parental rights. If I were to suggest one amendment to this bill, it would be to expel parents from any and all financial liability for curriculum or resource review.

I urge you to support the passing of Senate Bill 2260. Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Kimberly Hurst

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in a slight opposition to Senate Bill 2260. I ask that you give this bill a Do Not Pass but only as it is. Several Points I am fully fine with and agree with, but It really feels like some key things need to be addressed still before this bill is safe enough to pass and not a get out of jail free card for abusers and potentially damaging to a child's future. First there is no way this should apply to anything outside Highschool (I know that's in the under 18 part but don't ditch that, keep that.) But onto an issue... if a student is suspected of abuse by the parent(s) the school has to first tell the parents they suspect them of beating or harming said child? That's basically how this seems to be worded. There is the clause about imminent harm or physical injury, but what if it is not immediately imminent enough for the school to feel confident enough to act? (Pardon the phrase but) Is the school damned if they do, damned if they don't?

Also There is sort of a standard of education to keep people and society moving forward and advancing. I agree parents should be in the know of what they are learning at school and be allowed to have SOME say but some things should not be an optional educational point. There are things in even our country's history that are uncomfortable to talk about, but we need to learn so we can grow and learn from it. Certain scientific truths that may oppose some texts in very old outdated books that are an absolute must for any scientific field. 'Personal beliefs' are not always aligned with Facts and that's just fact. Otherwise you end up with people who think the earth is flat and surrounded by an ice wall or such things that will get them scoffed at by the rest of the country whose education is not stunted by one parent's insistence that 2+2 equals 7 so they never learned proper math. Besides, I, as a taxpayer, am also helping pay for this education aren't I? So I would like for science to be Fact, History to be true, Math to still be hard but a noble pursuit, and literature to be enlightening with many books from many authors and many backgrounds.

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in opposition to Senate Bill 2260. I ask that you give this bill a Do Not Pass.

I am a suicide prevention advocate and our state's expert in LGBTQ+ outcome data for North Dakota, especially as it relates to youth and schools. I am the author of the LGBTQ+ School Climate Report, a year-long look into school policies across North Dakota, student outcomes, and process improvement.

North Dakota LGBTQ+ Data

[\(2021\)](#) North Dakota LGBTQ+ School Climate Report

[\(2021 Summary\)](#): High School LGBTQ+

- [\(2021\)](#) High School LGB
- [\(2021\)](#) High School Trans

[\(2021 Summary\)](#) Middle School LGBTQ+

- [\(2021\)](#) Middle School LGB
- [\(2021\)](#) Middle School Trans

The Youth Risk Behavior Survey Data is the data our schools use for understanding their student population and needs. It is the data our health centers use for targeting approaches for community health. It is the data we advocate funding for state and federal grants. When looking at the base comparison of LGBTQ+ youth compared to straight cisgender youth, the discrepancies in outcomes are clear.

Currently Trans Experience High School

- 94.4% Do not talk to parents when feeling sad, empty, hopeless, or angry (HS)
- 72.7% Didn't feel safe at school most of time or always (HS)
- 61.0% Bullied on School Property (MS)
- 27.0% Didn't Sleep in Parents Home + 20.0% Have Run away or homeless (HS)

It is worth noting that schools are often places for support for LGBTQ+ youth. While youth aren't talking to their parents when feeling sad, empty, hopeless, or angry, they are nine times more likely to talk to adults within a school for support when they're experiencing a problem.

These students turn to adults at school, because they don't feel safe at home. When these youth have one adult who can accept them, [their suicidality reduces by 39%](#). Suicidality in this population is shown to be significantly higher when they have [unsupportive parents](#). When they don't feel safe at home they're likely to use illicit substances and run away. When schools don't offer some kind of safety net for them, they flee the state and open themselves up to homelessness and trafficking.

Our state is also looking to allow conversion therapy this legislative session. If schools outed children to their parents, they're outing them to a litany of harm that I would hope our government has a compelling interest to stop.

I have heard the stories of parents discovering their kids are identifying as trans at school. And I hear these parents feeling confused and betrayed by this. However, when I see a kid not telling their parents this, I wonder if that is because they're afraid. I wonder why the parents never asked their kid, given they have every single night to do so? How much do we care about child safety over parental rights?

Aside from these concerns, I will draw attention to this part:

c. Procedures to notify a parent at least three days in advance and obtain the parent's written consent before the parent's child attends any instruction or presentation that relates to gender roles or stereotypes, gender identity, gender expression, sexual orientation, or romantic or sexual relationships;

To help the drafters of this legislation, they should add "Except for material covering cisgender and straight topics". Otherwise any presentation talking about men or a book featuring a married couple would need permission. Unless the sponsors wanted it to be strict.

Beyond how it even relates to LGBTQ+ students, I really worry about the abuse kids could suffer because of this legislation. I'm looking at the item that allows parents to remove kids from clubs or activities. And I can see that being held over the kid as a punishment if they don't clean the dishes one night or if the parent just feels like it.

Often after school activities are hugely beneficial for mental health, social belonging, and community for all youth. While I understand some activities creating burdens for parents or not being possible for any reason, a mechanism to harm your kid already enrolled in a program just because you may have been upset with them is scary to me.

Please consider that when you empower all parents to have expanded authority, you're also expanding the power given to abusive parents to be that much more disruptive and harmful in their kids' lives. While I wish the number of abusive parents was zero, we know it isn't. I only ask that you weigh the harm this legislation can create, when balancing the powers you want parents to wield.

Thank you for your time, consideration, and service to our state.

Best regards,

Faye Seidler

Dear Chairman and Education Committee

Please give a DO PASS to SB2260. Our education is in need of some serious reform in order for our children to be prepared to lead their most productive lives. I see many things in this bill that restores the education that I received when I was in school in the 70s and 80s. There is so much in this bill that I could talk about that is so positive but I digress. The united states is no longer a world leader in Science, Math, or Reading. That's pitiful. It's time we work toward becoming that again. This is a great step.

Thank you for your time,

Vicki Grafing

Mr. Chairman and Committee Members:

I Write today to ask that you please vote in favor of this Bill, which protects the integrity of a parent/child relationship. As a parent of 4, 2 fully grown, 1 teen and a 10-year-old, I have watched the deterioration of societies respect for the parent/child role. We have special interests moving rapidly, to divide children and parents, and manipulate the children's mind into believing the parent is their advisor. This is a form of psychological abuse and warfare on our children. I have been fortunate enough to be hyper aware of what is happening in society. So, I have been able to teach my children what manipulation looks like, so my children are usually the ones to put doctors or others in place when they try to push me out of the equation. However, having 4 children has given me a window into the challenges other parents face. Being a parent is hard enough. When we have bad actors with a political or ideology, or any agenda intervening in our family roles, and manipulating the minds of our children for some form of personal gain, whether financial, political, or malicious, you can only imagine how much harder it makes our jobs. Our children are not community property. Nor are they mature or responsible enough to make big decisions for themselves, hints why we don't allow smoking and drinking prior to 21. We don't even allow them to vote before 18. Yet, we allow outsiders with zero best interests for our children to push the child's biggest weapon aside, and out of the equation? Most see our children as dollar signs because they are easy to sway. Money, tends to bring the worst out in many. Do we really want our children's fate left in the hands of those who wouldn't be living with the consequences they created? Children are confused enough with the life lessons thrown at them. Children are easy to influence, and their thought processes are immature. Their brains are still developing, and they are just learning where they fit in society. Parental rights are not a punishment, they are the foundation to a healthy child.

This Bill would give parents the ability to fight off predators who see our children as a form of personal gain. It would allow parents the ability to protect their child's minds and would help us hold bad situations accountable. It would stop our children from being preyed on and hold ill-intentioned people accountable. Please vote in favor of this Bill, and help parents remove the target on their children.

Thank you for your time.

Melissa Sitton
Belfield
509-217-8121

“I just want to teach”

January 24, 2023

To North Dakota Legislators:

This memorandum to you is regarding pending legislation in the areas of primary and secondary education. At the end of last May I finished teaching, most of it in North Dakota with the last 21 years in Devils Lake. For the last decade in teaching, I with fellow educators have experienced significant, intermittent, but relentless efforts to inculcate gender and critical race theories into both curriculum and teaching.

Much of what I have experienced I believe would apply to other educators and school systems across our state. I could go into detail about that experience of what has originated from individuals and organizations outside North Dakota and in turn has been pushed by a very small number of individuals in school systems here. In total, that experience personally has been extensive and an attempt to relate it could fill a book.

For practical purposes, what I am providing here is a chronology of what transpired (as much as possible) with brief commentary. My hope is my personal experience provides at least an overview of values being pushed that I believe most North Dakotans recognize as dangerous. Those values are dangerous because they undermine and seek to replace the foundational role of families in forming identity and personhood, as well as create division in relationships, by emphasizing differences by separating individuals into fragmented groups rather than uniting them through our shared humanity (we all bleed red under the skin).

Fall 2012

A current events discussion in class over gay marriage in the presidential campaign heated up and ended in disruptive comments. Before I ended it, a student told another student he would burn in hell for his views supporting gay marriage. Because he made his comments personal toward the other student, which disrupted class, I spoke with the student after class. I didn't believe he understood that he had crossed a boundary, so I consulted administration and asked that the student not be allowed back into class until he wrote a reflection letter on civil discourse. The student remained out of class for two school days and was readmitted when he submitted his letter.

I have spent considerable time reflecting on my actions regarding the free flow of ideas in a social studies classroom. I believe now I made a mistake in what amounted to censoring a student for expressing his beliefs through his right to free speech. Looking back at that situation, I would have asked but not insisted for both students to write reflections on the importance of civil discourse in a representative democracy.

Fall 2013 - Spring 2014

In 2013, a former DLHS college student conducted a survey on student attitudes about LGBTQ... in our high school. He used the results of his survey and the incident between the 2 unnamed students in my

classroom in a letter to local and regional newspapers as evidence of intolerance and stated the teacher did nothing about it. Wrong – significant action was taken. Fact: after compiling the study, the college student spent days making the rounds of the high school and spent significant time with staff attempting to garner support for a LGBTQ... training initiative and sex ed program for DLPS, but he never bothered to have a word of conversation with me at any time, either on what happened between the two students or what I thought about his initiative. I first learned of his initiative when I heard students discussing it, after they had taken his LGBTQ... survey in English class.

Although I asked supervisory personnel in the district promoting the study for a look at it to review its design to try to determine the validity of the study, I was told it was only a few questions that English teachers asked juniors and seniors and not much was known beyond that. When I asked English teachers to see the actual questions, the questions in the survey had been taken down on Survey Monkey.

Faculty were never provided with the study, but in the following weeks we were informed that the study had shown that prejudice, ignorance, insensitivity, etc. were serious problems in our school and a proposal was made that encouraged staff collectively to endorse a proposal where all staff would participate in required workshops to receive sensitivity training in this area and upon conclusion of our training we could decide or not, to placard our classrooms designating us as LGBTQ... allies and our rooms as safe spaces in the school environment. Staff training would begin at the high school and eventually by degree be extended down through the grades to include the entire school district. After further consideration in high school staff meetings, the proposal was dropped when some faculty objected to the need and especially the appropriateness of the school intervening in promoting institutional ideation to children of the most intimate nature of the human person. Some of us pushed back then against state power (here through the school) inculcating values that across all cultures and time are recognized as the province of family and the responsibility of parents as the first and most important teachers of their children.

In this initiative, parents were not much of a consideration to the college student and those who joined him. Most of what happened at the high school to garner support for his initiative was not transparent to parents at the time. They were not informed in any significant way regarding what was planned to promote LGBTQ... training at DLHS and the obvious sex-ed that would be needed to implement its goals in the future. If rolled out as planned, the training would be a *fait accompli* directed at their children by the time they were consulted after the fact.

Likewise, the superintendent did not seem to know initially when he approved a study on high school attitudes what the college student would survey and what he planned to use it for. When he did become aware, he did take a firm stand that the LGBTQ... training initiative would not be incorporated in the school system.

Training, What If:

And if the LGBTQ... training initiative had been approved for Devils Lake Public School staff who did the promoters line up to be the trainers? Again, their identity was not transparent. I only learned many weeks after the initiative was being promoted from materials posted online by the college student that the trainers would be members or associated with the Women's Study Department from UND. This proposal was problematic to state the least. Who are the experts? What do those academics in their area of expertise of 3

rd and 4th wave feminism know, or even child development academics know and apply compared to teachers of adolescents, many of them parents?

Most significantly, what entitles those proposed trainers to displace parents in inculcating and passing on the most intimate and primary of values regarding personhood and family? This lack of transparency and lack of understanding of the rights of parents to pass on their values is insulting.

Fall 2014

The college student followed up by asserting his study proved prejudice at DLHS and used it to promote a panel comprised of LGBTQ... education supporters discussing the need for gender studies for the Devils Lake Public School District at the Devils Lake Public Library. The event was covered by the GF Herald and DL Journal. As a result of the publicity he generated, approximately 40 people crowded into a library meeting room. Among those gathered were some school board members, the school superintendent, the panel, a few local citizens, a few students and teachers, a couple reporters and a few individuals from outside the Devils Lake community. The panel and Q and A that followed generated further reporting in local media.

I did not challenge the college student factually on his misrepresentation regarding what happened in my classroom through the media or at the public forum for an obvious reason – these students were minors – and public attention directed at them was not appropriate. Also, the way the college student had framed the story, pushing back then could likely have blown up in controversy and possibly caused a major disruption for our school and community.

Design is critical in studies. How questions are framed and who carries out the study generates results. In society, a level of prejudice exists across all humanity – against - minorities, majorities, disabled, all economic classes, all body types and shapes, all academic groups, etc., essentially at some level against everyone. It is and will be part of the human condition. I could formulate questions for DLHS that demonstrate that prejudice exists against any group. That said, my experience at DLHS of relations between and among students and staff from diverse backgrounds was generally very positive in the thousands of daily interactions. Of course, there were and always will be isolated exceptions. I am proud of DLHS, its students and staff, and in my extended time there how people in that school community value and continue to grow in relations with each other.

Administration dropped its initiative that was promoted by the former DLHS student. The school district through the school board and superintendent went further in responding to the initiative by going on record that the school district would not support introducing LGBTQ... training or curriculum.

January 2015

Throughout the several month period that included the survey, staff meetings, and the panel discussed above, no letters to the editor to the Devils Lake Journal were generated and I was told by the school superintendent he had received only one neutral phone call from the local community seeking further information. Nevertheless, the superintendent did find an LGBTQ... presenter as an option for educators, a member of the Fargo School District staff. This individual provided one of four 2-3-hour, optional breakout sessions at the January 2015 regional educators' in-service at LRSC. I arrived 2-3 minutes late to that session after mistakenly sticking my head in the other 3 sessions including the headliner's in the auditorium. Of the 300 or so educators attending the in-service, the LGBTQ... session was by far the least attended with only about 20 attendees, among whom I recognized an art teacher, a couple

counselors, the superintendent, a ROTC instructor, and myself from our school district. Several of the other participants seemed to be counselors from neighboring school districts.

The Fargo presenter, at the outset of her session, stated her mission to us was not only toleration of LGBTQ... but acceptance – i.e., we, students, the public, it seemed to me from her presentation all needed to group-think as she thinks. The innate dignity and respect for every individual who walks through a school door is paramount. But acceptance of everyone’s shared humanity cannot mean forced affirmation, imposed on educators, using them to promote the acceptance of behaviors and medical procedures that in many cases becomes damaging and destructive. What becomes totalitarianism of mind control found voice as well from one individual’s Q and A comment during the earlier panel discussion at the library. His comment in summary: we need to get to the children while they are young before their parents can get to them.

There is a dangerous irony here that escapes the consciousness of promoters of totalitarian ideology. Forcing acceptance of LGBTQ... - violating parents’, their children’s, educators’, and citizens’ freedom of conscience, thought, and religion – becomes intolerance of their values – exactly the opposite of the tolerance of others they supposedly champion. Thus, the endgame of LGBTQ... – to realize the acceptance of LGBTQ... – cannot stop with the sensitivity training of staff at DLHS – it means imposing their ideology on everyone. This is where the schools come in. In their social engineering, totalitarian movements have always targeted the influences most in their way – the family, school, religion.

For Devils Lake Public Schools, it would have meant comprehensive K-12 sex-education. And unlike even 2014, we now know what that means even by grade-level; because the LGBTQ... movement has succeeded in a short time in some states to enact laws or co-opt state departments of education into incorporating their values into school curriculum, where all students are opted-in as a default rather than the opposite or even sometimes without an opt-out provision for parents and their children.

Just a few of countless examples:

California: drag-queen reading hours for preschoolers

Vermont: beginning in 2021 will require schools to make condoms available to middle and high school students

Massachusetts: Planned Parenthood curriculum incorporated into schools by visiting “educators”

Idaho and Montana: states challenged to allow biological boys and men identifying as girls and women to compete with women in sports

Minnesota: the state education department, in its school “Transformation Toolkit,” issued many directives such as pressuring schools to allow transgender students to use locker rooms of choice regardless if they had not begun to physically transition; and pushing best practices such as – schools should address students as “students” and “scholars” as opposed to “boys and girls” (when issued in 2017, school administrators in northwest Minnesota declined when asked to comment on Grand Forks WDAZ TV news broadcast).

My point in this part of this letter - there is virtually no interest from educators, the public, and most importantly parents in our school district for imposing this activist ideology on our children. Most understand from their own role as parents and experience as family members that it’s not the job of the

state (here using schools) to impose an outside ideology on values that should be nurtured by family.

Fall 2015

NDSU sent me a standard on-line exit survey as I was concluding graduate studies that directly related to my teaching area. Questions ran the gamut from how well I was prepared in my study area to how I viewed my personal treatment in both the program and on campus. In the preliminary questions, 3-4 transexual identifiers options were provided to check-off in addition to male and female for a total of 5-6 personal identifiers.

My graduate experience at NDSU was outstanding, which I conveyed in my responses. Besides filling out the questionnaire, I replied in a separate commentary that I resented the designers of the survey having me affirm their new view of humanity by the sheer fact of participating in their survey, adding identifiers through recently invented language that attempt to change timeless understanding of humanity. In fairness to a substantial segment of students' views of personhood of those attending NDSU, an alternate survey should be provided designating only male and female as identifiers as well, or just dispense with any identifier other than a name.

2015 School Year

During a school day, break-out session, sophomores were addressed by a health professional who in discussing sexual activity emphasized to students that if they were going to engage in sex, they should use birth control. I was assigned as an observer to this session. I was not briefed ahead of time that I had a role to play other than to be present as a regular classroom teacher.

Personally, I have the highest regard for this health professional, but I felt she had no right to pre-empt the right of parents to direct their children in matters of engaging in sexual relations. Further, as a father and working with high school students daily, I believe strongly that high school students are not ready to deal with the emotional, psychological, material, physical, and spiritual costs of sexual relations. The well-meaning advice of the health professional could, in my opinion, support normalizing for students high-risk behavior with life-long consequences.

Summer 2019

For the past several summers Planned Parenthood, under the credit-granting authority of a few North Dakota institutions of higher education, has presented workshops titled SAFE SPACES for teachers directed at their implementing Planned Parenthood's vision of sexual and gender education into schools (see course objectives below). I attended Planned Parenthood's workshop in Dickinson June 3rd and 4th 2019. Over the two days, the workshop was divided into segments focusing on topics relating to child and adolescent development. In passing, in a couple instances, the presenters gave lip service in remarking that parents are the primary educators of sexual education, but otherwise almost never spoke to that primary role. They stated as well at one point during the workshop that the majority of parents want comprehensive sex education. Besides assertions, teacher participants were also sometimes cited statistics, but we were not provided accompanying copies of those studies to review for origin, population, framing, facilitators, or other possible biases. Here are representative examples of sample workshop segments that were presented that I found especially objectionable and being outside the bounds for teachers to provide in public school settings:

1. Qs and As on Values Education as an educator from the workshop - Presenters suggested that

some challenging questions to expect for teachers and responses in dealing with youth in discussing sex-ed were the following: "What is the right age to have sex for the first time?" "People come to their own decisions, there is no right or wrong age." "All my friends have sex, but I don't, how can I be part of the conversation?" "I don't want to have sex yet." "Does sex hurt the first time?" "What does it mean for someone to go down on you?"

Do parents in ND want teachers to explore these topics with their children? In my school, I have the highest regard for teachers of math, English, science, etc. educating in their subject area, but I would not let some of them guide my child to tie shoes or hold hands to cross the street in the world of forming sexual identity or personhood, nor would I expect them to trust my values in doing the same with their children. During discussion in this segment, a young mother came nearly to tears as she related her loss that came when educators took it upon themselves to describe how life begins to her little girl. She had anticipated and treasured that lost opportunity to explain that conjugal love resulted in her daughter's birth. The presenters had no supportive response for that mother except interminable silence that settled upon the conference room.

2. Planned Parenthood promoted the Lark program in CO which involved the distribution of condoms to middle school and high school students in public schools. The presenters cited statistics that the program lowered pregnancies and abortions, but the ND Century Code prevents condom distribution in public schools.

Two reactions: 1. Let participants examine the study in detail for validity. 2. But so what - high school students are not prepared to engage in life-long serious consequences of engaging in sex and parents should not be deprived of the right to parent by school personnel. 2. An aside - how does anyone know for sure the numbers of pregnancies and abortions - some states do not publicly divulge these statistics and many of the chemical abortions result from mail order sources.

3. Healthy Masculinity segment explored why men are violent or aggressive - Toxic Masculinity. Participants (there were around 15 women and 2 men in the workshop) engaged in activities identifying what it was to be a Man or not be a Man.

This segment was disappointing and misleading. The set-up included, besides presenters reviewing a litany of descriptors for male toxicity, a long video of minority men interviewed in prison identifying the toxic behavior of their absentee fathers for the reason for their incarceration. After that, the man or not a man activity degenerated into stereotypes and derision of men by some of the women in the workshop with a lone female voice raising a faint defense of men. I thought, really, this is about your fathers, husbands, brothers, and sons. A fatal weakness of the workshop and another reason why Planned Parenthood should never be advising sex ed in ND schools is because nowhere in 2 days was there any mention or accounting for family breakdown or absence of family as an extremely important reason for poor adolescent

decision making regardless of the origin or degree of sex or gender education. This segment did not address family breakdown or the reasons for the absence of parents, nor did it discuss female toxicity beyond mentioning girls use manipulative behavior aggressively. Why is there a women's prison in New England? Why is North Dakota government discussing plans for another women's prison?

Following is the actual course description for Planned Parenthood's Teacher Professional Development Workshop:

SAFE SPACES

HNES 2000

1credit

Instructor:

Grading: Letter

Thursday, June 22, 2017 - Friday, June 23, 2017

Meet Thursday & Friday {8:30 a.m. - 5:00 p.m.} with course completion June 30, 2017

Location: Juniper Workantile, Bismarck, ND

Academic Level: K-12 Professional Development

NDSU Credit Fee: \$125

COURSE DESCRIPTION:

The purpose of this workshop is to provide training to adults who work with youth. The attendees will learn how to promote healthy sexuality and relationships among the youth they serve. This workshop will focus on positive youth development, adolescent sexual risk behaviors, and the importance of communication between youth and trusted adults. This workshop will highlight the importance of creating a supportive environment in an educational setting to approach topics of teenage pregnancy, bullying, and inclusivity. Specifically, we will cover topics such as consent, healthy relationships, sexual orientation & gender identity, the effects of social media on adolescents, body image and violence. Attendees will also have a chance to practice answering questions that youth might have about sexuality. Upon completion of this program, teachers will have tools to create a supportive environment for students to encourage school attendance and participation.

OBJECTIVES:

Upon completion of this class, participants will be able to:

1. Describe current trends in teen pregnancy and dating;
2. Explain key components to reducing risks of unplanned pregnancy and STIs among teens;
3. Identify various aspects of holistic sexuality and how they impact sexual decision-making;
4. Explore their own values related to sexuality and determine how to communicate to students about sexual health free from personal bias and judgment with respect for diversity;
5. Identify warning signs of unhealthy relationships in teen dating and support to youth in unhealthy relationships;
6. Be able to provide links and access to specialized school and community resources for youth when necessary;
7. Utilize motivational interviewing techniques in discussions with adolescents regarding decision making;
8. Work collaboratively and creatively with other professionals to foster students' self-esteem, motivation, and healthy sexual and relationship

choices;

9. Understand healthy youth development and how to answer questions from youth.

10.

January - February 2021

In January, a member of the Teacher Advisory Committee at DLHS directed an email to faculty members requesting input for upcoming professional development at the request of the new superintendent. In number 5 below, this faculty member suggested the possibility of LGBTQ ... training to other staff members. Faculty recommendations for professional development training were to be directed to the superintendent, administration, or committee members. Since the former DLHS college student's efforts, nothing significant regarding staff at the high school changed regarding wanting the training, nor had parents or the community asked for it. In response, in February, I wrote an extensive memo with background to the new superintendent regarding what had transpired since 2013 regarding proposed LGBTQ... training and the former superintendents and school board's rejection. No further LGBTQ... training was suggested the remainder of the 2020-2021 school year and throughout the 2021-2022 school year to staff.

Professional Development:

Mr. Bakke would like some feedback on what we teachers would like to see for professional development, both at the beginning of the year and for some of the early outs.

Some items are a must and can't be skipped (CPR/First Aid and Suicide Training, for example), but he would like teacher input on what we feel we need and what we want. Here are some basic things to think about:

1. How much time in our classrooms do we need?
2. How much departmental time/7-12 department time would we like?
3. Do we want more sessions offered at the beginning of the year like we had this year? (We have experts on staff, so why pay to bring in someone when we can learn from each other?)
4. How much outside PD (speakers from outside the area) do we want?
5. What topics would we like?

So far a refresher on Ruby Payne was mentioned as was something beyond Ruby Payne that deals with more than poverty such as sensitivity, LGBTQ, empathy, etc.

August 2021

At the start of the school year, staff at DLHS received a list serve email from a district educational support specialist regarding Trevor Project Information with an accompanying pdf link:

[Guide-to-Being-an-Ally-to-Transgender-and-Nonbinary-Youth.pdf](#)
882 KB

The official Trevor Project website in part states the organization has "increased our efforts in education. Through innovative online training workshops and strategic partnerships across the United States, we have been able to reach more people than ever before. ... 20,000+ Educators trained to create safe

spaces in schools.”

Below was my DLHS email list serve response to the staff list serve email from the district educational support specialist:

DLHS Staff:

The link below displays the “Gender Confusion and Transgender Identity” web page from the American College of Pediatricians website.

<https://acpeds.org/topics/sexuality-issues-of-youth/gender-confusion-and-transgender-identity>

This organization is one of numerous groups across the United States supporting parents’ rights to remain the first and primary teacher of their children’s identity and personhood. Outside interests, such as those behind “The Trevor Project”, seek to co-opt teachers and schools into replacing parents to indoctrinate children in gender ideology. The American College of Pediatricians website powerfully refutes assertions made by The Trevor Project.

For example, as evidence against claims related to teenage suicide, find important data and commentary by scrolling below and tabbing on “The Myth About Suicide and Gender Dysphoric Children,” shown here below.

<https://acpeds.org/assets/for-GID-page-1-The-Myth-About-Suicide-and-Gender-Dysphoric-Children-handout.pdf>

Dan Wakefield

Public education broadly represents all Americans often holding diverse values. In North Dakota, large numbers of residents do not agree with The Trevor Project’s positions on gender and sexuality. North Dakota public schools officially creating safe spaces and training faculty allies for individuals who support LGBTQ... is in opposition to parents and other local community stakeholders who disagree with The Trevor Project’s positions on gender and sexuality. On principle, establishing The Trevor Project program in public schools is not egalitarian or even-handed because it uses the state to privilege the goals of one group over those of many other groups in the school setting. Fundamentally, establishing The Trevor Project in North Dakota schools would effectively replace parents in their role as the primary and most important teacher of their children’s personhood and identity.

In 2014, The DLPS superintendent of schools recognized the need for public schools to serve the best interests of all its students and community members on an even-handed basis when LGBTQ... advocates pushed for gender and sex ed training for staff followed by the establishment of faculty allies in classrooms. In an official policy statement, he wrote that “schools are about “tolerance” not “advocacy.” Tolerance for all students is the goal of the Devils Lake Public Schools. We want to provide a safe environment for all students without any specific identification. We start this process with respect assemblies in the elementary schools, Character Counts is implemented at Central Middle School, and we continue to have our district-wide Respect for All Program.”

“The topic of LGBTQ is a very sensitive topic both politically and religiously – two arenas that public schools are much better off not being involved. Public schools, educating K-12 students, are a much different setting than a college or university.”

November 2021

High School administration advised social studies department faculty that the ND legislature in its special session had passed legislation “prohibiting the teaching of critical race theory in public schools.” The law defined critical race theory as follows: “For purposes of this section, “critical race theory” means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality.”

A department member’s response to administration and the rest of the department included this statement: “This is stupid. Any social studies teacher worth their weight as a historian and educator is and has been teaching aspects of CRT.”

I disagree. My objective would not be focused on CRT as a lens to teach history. It is a distraction. Teaching aspects of CRT does not place the racism that has occurred in the history of the United States in context, nor can it begin to realize in the education of students a meaningful understanding of US History. Slavery, Black Codes, inequality, discrimination, the ongoing Civil Rights movement, etc., are just a few of numerous important themes that together comprise a mosaic of the history of the United States. As examples, today, those themes are explicit, detailed, and comprehensively treated in standard US History texts and need to be taught with depth and purpose, but they only remain important parts of US History.

Nikole Hannah-Jones wrote, “Our founding ideals of liberty and equality were false when they were written,” in the opening page from her essay in The 1619 Project. Today, is racism systematically embedded in American society and the American legal system to facilitate racial inequality? Are institutional racial oppressors and oppressed the basis for the founding of the United States and ever present today? Teach on that basis and gaping holes in the history of the nation distort understanding. America came to be what it is now through indigenous North American peoples, Jerusalem, Athens, Greece, Rome, England, West Africa, Spain, France, Europe, Asia ... - the story is ongoing and if this progression is not taught or understood by students, they are at least in part historically illiterate.

Laws may be passed that focus attention on schools, and though they make a needed statement about 2023 and not 1619, they are not a fix for a comprehensive, more balanced history of the United States. There will always be varied perspectives in a free and democratic country. Teachers will continue to be influenced by a free flow of information that is protected under the First Amendment.

An example of this free flow of information is unsolicited copies of *Teaching Tolerance* magazine published by the Southern Poverty Law Center. Their magazine is mailed on a routine basis to the school mailboxes of US History teachers across the country. In the Fall 2020 issue, the lead article reads on page 20, “Since both anti-Blackness and white supremacy are baked into our country’s foundation, they often play out in our daily lives. And just as all white people have the ability to weaponize their whiteness, all Black people can be harmed by it. Black students aren’t exempt. Weaponizing whiteness happens in schools every day.” Another example comes from Corwin, a large corporate multi-media professional development book publisher, educational consultant, and service provider in an unsolicited school email promoting the 2022 book *Our Problem, Our Path*. The email sales blurb states the book “supports White people to help one another find the trailhead and start moving on the path toward a more just, equitable and loving multiracial society for all.”

Fall 2021 and January 2022

In late Fall of 2021, and again in January 2022, DLHS received several boxes containing an assortment of paperback books as a result of Federal Striving Readers Grant Money. Small bookcases were filled with the books and placed in all Social Studies classrooms with the goal for students to use spare classroom time in reading to increase literacy. I took a cursory look at the first shipment into my classroom. They were a cross-section including fantasy, science-fiction, sports, history, and books about teenage relationships. Despite making students aware of the books and their availability only one student checked out a book in my 6 classes. When the second set of books came in January, some appeared suspect and possibly inappropriate for public high school students based on their blurbs and book covers. I decided to put them in a large, locked cabinet. In early June, the box of books came to my attention again as I was completing checking out of school, so I spent time reviewing them. As a whole, many of the books were endorsed by prominent organizations, and a few had been nominated for or won literary awards. But in my judgement, these were not books that could make into a Great Books academic program. The ones dealing with relationships were generally devoid of purpose, not inspiring or uplifting, for example, high school social scenes and parties, parents generally with problems, teenage angst and self-absorbed image problems, victimization, stereotypical bad treatment from privileged or popular kids. Though I did not take time to review all the books that dealt with relationships, a few seemed to clearly have no uplifting redeeming social or literary value except in the minds of a few critics hundreds of miles away. Some examples:

A Very Large Expanse of Sea by Mafi – sporadic language that didn't seem to do anything for the story – Fuck – Asshole – Shit

I Hope You Get This Message by Farah Naz Rishi – begins with homosexual encounter in the first chapter

White Fragility: Why It's So Hard For White People To Talk About Racism by Robin Diangelo – prominent Critical Race Theory book - no other book in the collection providing a counter view

Unpregnant by Hendricks and Caplan – boy gets girlfriend intentionally pregnant – girl goes on 900 mile road trip with friends for abortion

The Music of What's Happening – teen boys working together becomes gay sexual relationship

We Are Totally Normal by Kanakia – protagonist has gay and straight sex experiences against a backdrop of high school socializing and partying

Odd One Out by Stone – graphic raw sex – a three way

During checkout, I advised administration that the books that had come into the high school from grant money needed to be reviewed for appropriateness of content before they were put into circulation for the coming school year. I was thanked for the heads up. I also informed a colleague who was still spending time in the building about the books, the response was, well that's not so bad it would be different if staff was assigning or teaching from those questionable books. When I shared that response with a leading North Dakota early childhood educator, her response was – what? That would be like knowing drugs are in the school, but staff is not pushing them so it's not a problem and we don't need to do anything about it.

This was an eye-opener. If this is the norm now for books for high schools, my reaction as a parent and teacher is public schools have become complicit in sexualizing students. There is a need here for legislation, which charges public schools with notifying and making available for the public to review books schools are using, the process directed by local school boards, before those books are used in a school setting. Many traditional school libraries are on the way out, so provision would need to be made for reviewing E books read on tablets.

August 2022

Long-time colleagues informed me of policy changes at DLHS directed by administration to staff during Fall orientation before the start of classes. The bullet points listed here were stressed by the principal to staff from slides under "What I Told Kids / Parents" Below the bullet points from the principal are my initial reactions.

Depending on the intent or expectations of these statements by administration, some of these directives appear that they could be coercive and cross 1st Amendment boundary rights of staff members.

**If you don't know what LGBTQIA+ stands for/means – you better learn.*

LGBTQIA+ are letters – conventions of speech with controversial meaning and implying in some ways radically revolutionary anthropology that has entered into public discourse in maybe what – at most the last 1/10 of a second of human history? The terms need to be discussed to arrive at shared meaning and possible agreement as to their validity. What in depth does the administrator think those terms mean? The staff? The community? Is there shared agreement on meanings and the implications of those meanings for educating students in the school setting?

**Your moral compass cannot get in the way of embracing and educating our children.*

What? Teachers are not to rely on their moral compass in their interactions with students, staff, and their fellow human beings? So, there is no objective moral truth? The morality of every action is relative? Then who decides the limits of when staff can be compelled to violate their conscience? Whose moral compass should guide staff when teaching students? The administrator?

**Your religious beliefs are your beliefs. You can hold these near and dear, but they cannot get in the way of your willingness to embrace and educate our children.*

Religious beliefs don't count? The first amendment to the US Constitution doesn't count? Under what circumstances? Someone obviously needs an explanation of what the Constitution means and what system of government we live under.

So, teachers cannot rely on moral truth or recognized natural law, the basis of religious teaching, in guiding their actions? Define embracing and educating. Embracing how? Educating what? There are problems with understanding this platitude if that is what it is and what these statements are meant to convey. Some forms of embracing are damaging. Some educational ideas may be hurtful. Who decides? The administrator?

**We need to move past tolerance! Tolerate is a negative word. We cannot be people who tolerate the beliefs of others or the behaviors of others.*

Why is tolerance a negative word? It indicates a willingness to allow others to, for example, express an opinion or conduct an action, but not agree with that opinion or action. It is a norm in a free complex society and as the Founders stress in the Federalist Papers our system of government is composed of opposing factions and doesn't function without conflict and disagreement. Democracy is often messy. To insist on acceptance, or agreement, or affirmation from others for your own or others actions or beliefs is a form of coercion. Compelled speech or compelled thought is not free speech or freedom of thought. Totalitarian societies and governments in our time and throughout history insist and function on conformity of thoughts and actions – group think.

What does administration mean by “our children” in these bullet points? This is a serious question. Because in staff meetings, on more than one occasion, the principal has informed staff that churches have declined, and families have declined, so now the school needs to do more to compensate. Staff has objected openly to the practical implications of that statement. Parents on staff do not want the school to assume more responsibility for their families. Were parents in the community asked if they wanted the school to assume more responsibility for raising their children? Have citizens been asked if they want the school to replace the religious values of their families with secular values?

These principal's bullet points at last Fall's staff orientation before school began were stressed to staff from slides under “Inclusive Environment.” Below those bullet points are my reactions to the principal's bullet points.

*Gender Identity, name, state ID (name), testing, etc. ...

*Powerschool will be updated with preferred name/gender. Use those.

In teaching I very occasionally had students asked to be called by another name. I accommodated those students who I thought were sincere. But this can also become a game. Today students sometimes have unusual and unique names that are not based on phonetics. Occasionally, names are forgotten or unintentionally mis-pronounced and most students understand that. Practically speaking, how is gender used in Powerschool and why does that matter?

*Pronouns

*Some students may request they/them specifically while other want he/his, she/her, etc. ... honor what they ask for.

Where is this social engineering coming from? In over a quarter century of teaching, I never experienced any student ask to be addressed by a specific pronoun. Why is this needed? When have any staff become aware of students banging down office doors demanding to be addressed by pronouns? This directive is almost entirely irrelevant and non-sensical. People speak using conventional address in high schools. In school, pronouns are rarely used by teachers addressing a student. Students are addressed by their given name or occasionally by a nickname. To use a recent figure of speech questioning the inanity of this directive: “What is Woman?” In this Brave New World that is being created at DLHS and in some schools across North Dakota, what happens if someone is known to be male or female and cross-dresses and is then not called by the name they want by staff or students? Will not remembering to use one of the over 50 pronouns now being tried out be considered a serious infraction of policy? Will confusing that pronoun with a new one that is manufactured next week and picked up by a student on

social media for use – will that be considered a serious infraction of policy? Will non-participation in gender fluidity preferences, contrary to known biological reality, be consider cause for dismissal or some form of demotion or punishment for staff or students?

Compelled speech (that serves no practical purpose) is not free speech and is in apparent conflict with the 1st Amendment to the US Constitution.

On my exit form last May terminating employment, I was asked to list challenges facing Devils Lake Public School for use by the superintendent and the school board. The number one problem I listed getting in the way of students getting an education was the ever-growing culture of distraction created by ever-growing, unnecessary time-wasting policies and activities in our schools.

Here are the words of staff at DLHS after experiencing Fall orientation before the start of classes: “I don't understand why we are doing this. I am just here to teach. I don't care what your sexual orientation is, your religious background, other personal beliefs, or what you want to be called, etc. I just want to teach.”

Request of the Legislature of the State of North Dakota

Given the now apparent threat to citizens' rights under the 1st amendment to the US Constitution that are now being instituted in our schools through policies by a small group of unrepresentative activists, a law recognizing freedom of speech, conscience, and religion for staff and students in North Dakota schools should be enacted with accompanying penalties for intentional infractions.

Footnote: A 2020 graduate of DLHS entering the engineering program at NDSU, during online orientation led by gender studies majors, with about 50 other Freshmen, was provided and strongly encouraged to pick from a wide range of pronouns for use on campus. He told me none of them were having it. (sorry, I think I just used a banned word)

Dan Wakefield

Devils Lake, North Dakota

Testimony Prepared for the
Senate Judiciary Committee
January, 2023
By: Chelsea Flory

RE: SB 2260: Relating to parental rights, parental involvement in education and to consent to medical treatment

Chairman, and Members of the Committee. My name is Chelsea Flory, Director of Burleigh County Human Service Zone, and I am here today to provide testimony in opposition of Senate Bill 2260 in its current form.

Human Service Zones, the Division of Juvenile Services and Tribal child welfare agencies serve as legal custodians to children when the care/custody/control of those children is removed from their parents or legal caregivers. As such, there are occasions when many of the decisions referenced in this proposed bill lie within the role of the agency serving as legal custodian. However, it is unclear from the wording in this bill if the decision-making responsibilities of agencies serving as legal custodians would be impeded upon.

When children are in the care/custody/control of a Human Service Zone Director, the agency is mandated by federal and state law, policy and best practice to engage parents in their children's life and involve parents in decisions on their child's behalf. Frequent communication with the child's case manager, participation in routine Child and Family Team Meetings, all lend opportunities for parents to aide in decision-making for their child, even while the child is in public custody. There are times when surgical or emergency medical care is needed for youth in public custody, to which medical providers request and require the consent

of the legal custodian. The requirement to locate and obtain written consent of a parent during said emergency may place risk to the child's life when an immediate action is needed. Additionally, when youth are in public custody, educational needs of the child also fall under the responsibility of the Human Service Zone Director. As mentioned above, involvement of parents is always encouraged by the custodial agency and welcomed by the school.

Regarding parental rights and responsibilities, page 2, line 22: Be notified promptly if an employee of the state, a political subdivision, a governmental entity, or other institution suspects abuse, neglect, or a criminal offense has been committed against the child. There are times that parents are the subject of the alleged abuse and neglect, and law enforcement investigation may hinder the notification of the suspected abuse and neglect to said subject/parent.

I would respectfully request that additional clarification be provided to address potential conflicts in decision-making authority, before proceeding further with this bill. Thank you for considering my testimony relating to this bill. I stand for any questions the committee may have.

Madam Chairman and the Senate Judiciary Committee Members,

My name is Miki Thompson. I am a homeschool parent from Dickinson. I am writing to urge you to recommend a Do Pass on SB 2260.

In our state, that values family and personal freedoms, it almost seems silly that we would have to pass laws that make a parent's right to make decisions for their own children unquestionable. Unfortunately, those rights are being eroded little by little. We North Dakotans need affirm these rights, just like the high courts of our country did.

Here are some examples of the court cases I speak of: In *Pierce VS. Society Sisters* (1925) The Supreme Court stated that parents have the Constitutional right to direct the upbringing and education of their children, In *Wisconsin VS. Yoder*(1972) The court declared "The primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.", In *Troxel v. Granville* (2000), the Court ruled that the Due Process Clause of the Fourteenth Amendment protects the "fundamental right of parents to make decisions concerning the care, custody, and control of their children.", and in my final example I give to you is congressional findings 20 USC 3401.3 parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role.

We as parents take on every responsibility for our children, financially, morally, spiritually, etc. We need our rights protected from institutions and activists that have no financial, moral, or spiritual responsibility at all.

Thank you for your time and consideration. Please recommend do pass.

Miki Thompson

Members of the Senate Judiciary Committee,

“My name is Thea Holter and a mother to three children, ages 14,11, and 5. I reside in District 1 and I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Thea Holter

Members of the Senate Judiciary Committee,

“My name is Aaron Holter and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Aaron Holter

Members of the Senate Judiciary Committee

My name is Rozell Unruh of Dickinson and I am asking you to render a DUE PASS on SB2260.

There isn't a day that goes by that we do not hear examples of parental rights being violated by doctors, teachers, principles, counselors or any other educator. They encourage children to experiment with gender identity, graphically inappropriate books, pitting race against race, taking children away when the parent/s do not agree with the agenda the person in "authority" is pushing, just to name a few.

North Dakota needs to make it clear that parents are to be the primary directors of their children's moral and spiritual upbringing, health (other than medical mutilation, sterilization or castration), education and financial well being without any undue influence from government overreach or any activist from the healthcare or educational field.

Thank you,
Rozell Unruh

Members of the Senate Judiciary Committee,

“My name is Dwight Ebel and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Dwight Ebel

Members of the Senate Judiciary Committee,

“My name is Luane Ebel and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Luane Ebel

January 24, 2023
Senate Judiciary Committee
Senator Diane Larson, Chair
SB 2260

Good afternoon, Chair Larson and members of the Senate Judiciary Committee. My name is Angela Sersha and I am an attorney living in Bismarck. Thank you for the opportunity to testify regarding SB 2260 where I am respectfully requesting that this committee issues a Do Not Pass recommendation.

I have the privilege of practicing health law and while reviewing this bill I could see a number of issues that would impact standard processes and policies both in healthcare and for schools. Specifically, the notion that suit may be raised by essentially any individual parent who believes their fundamental rights to parent their child have been violated.

Common law in North Dakota is clear that a parent's right to their child is fundamental.¹ North Dakota case law has further expanded the notion that this fundamental right exists for those who are fit parents as the government does have a right to intervene in those instances of abuse and neglect. This bill serves to codify in the law the fundamental rights to parenting. The problem, however, is the unintended consequences.

In my day-to-day job, I have the pleasure to support providers engaging in health care and improving the human condition. I started this role about six years ago and going into it I thought that healthcare was delivered as it has always been to me. Where I am a respectful patient and recipient that engages in the interactive process as it pertains to me, my parents or my children and their healthcare. My job introduced me to the reality that in the context of children, it is much more common for there to be uninterested or non-existent parents or no decision makers readily available. Or, for those uninterested parents to come use the healthcare system as a mechanism to harass their ex-spouse or ex-partner and the children they have together.

How? I've counseled on removing access to a child's chart from a parent who consistently used the access as a way to find out where/when their ex-spouse would be so they could show up and harass and cause a distraction at clinics. I have counseled on removing parents that show up unable to follow the rules of appropriateness in a hospital setting that disrupts not only their child's care, but the entire unit of children and their parents. I have advised providers dealing with parents that disagree on healthcare for their child. One parent is collaborating with the child's provider on a course of action and consents as to what is the best interest of the child's health condition. The other parent will then call and revoke consent despite not participating in the appointments or plan of care. Sometimes it is fair because the other parent is legitimately interested, in other instances, the other parent is not involved in the day-to-day care of the child and sadly it is using the opportunity to revoke consent to cause disruption for their ex-partner. Unless it is an emergent situation, that child is going to be rescheduled for a future date unless there is an existing court order that indicates who has the sole decision-making authority for the medical treatment at hand. This gives the parents the opportunity

¹ Hoff v. Berg, 1999 ND 115, ¶ 10, 595 N.W.2d 285; In the Interest of G.L., 915 N.W.2d 685, 688+, N.D.

to mediate as necessary the healthcare contemplated and if not mediated, it already involves a court action.

My point here is that under this current draft legislation, these legitimate actions to block a certain parent from their child's physical or mental health care decision or access and/or the review of a health or medial record based on the individual factors at hand would give these same parents using the healthcare system as a weapon of abuse the ability to file suit for a violation of their fundamental rights to parent². Arguably, in the instances I have mentioned, granting by statute the ability to file a direct claim without any standard to the frivolous nature of the underlying facts will still require having that determined by a court. Knowing what I do about the number of parents that lodge complaints that fall into the category of examples that I outlined, it would translate into litigation. Even to move to dismissal on summary judgment requires an extraordinary burden on resources and disrupts business with respect to depositions, affidavits and fact witnesses to testify to the facts that warranted the potential "obstruction or interference" of the parent's fundamental rights.

I've heard others testimony on similar modifications of informed consent as it pertains to children and healthcare and would echo those comments (provided)³. Obtaining a written consent in all instances of children's healthcare is unduly burdensome on families. More often than not, I will receive a call about a step-parent or a grandparent that brought a child to an appointment and whether they can consent. Absent a power of attorney listing them as a decision maker or a court order indicating that power has been granted to the individual, we would not assume that the parent has consented. Instead, per policy we would do a quick call to the parent or guardian of record in order to verify consent and document it in the child's medical record. This is a fix for working parents and individuals who may not be able to take their child to a healthcare visit. These calls are also made in the event there is an alleged abuse and neglect case, and temporary custody is placed with the state. Staff verifies this with the state case worker by receiving the court order that the state is the decision maker or until a foster parent is awarded decision making rights to consent for the duration of the ongoing court proceedings. There are also children that come for healthcare that have no parent or guardian in their lives and still need medical treatment or an exam even though it is not emergent. We've seen it in human trafficking situations, children who have run away, parents that are incarcerated or just unavailable because of lack of access to a phone or don't answer the phone despite repeated attempts to call while a child is on site but should be examined. This legislation does not provide the flexibility to work through real life situations without triggering the risk of a parent filing suit.

As a citizen and a mom, I wanted to further address the impact this law would have on schools and provide a parent's perspective because I would be remiss if I did not provide my experience with the public schools and urge a Do Not Pass. I reviewed SB 2260 from the perspective of a school and this law creates duplicative, unnecessary, and unduly burdensome requirements that currently exist in other

² Senate Bill 2260; p. 1 lines 20-22; P. 2 lines 8-10; P. 3 lines 8-13

³ Senate Bill 2188; Testimony Dr. Danielle Thurtle https://ndlegis.gov/assembly/68-2023/testimony/SJUD-2188-20230117-13789-A-THURTLER_DANIELLE.pdf;

NDHA General Counsel Melissa Hauer https://ndlegis.gov/assembly/68-2023/testimony/SJUD-2188-20230117-13675-A-HAUER_MELISSA.pdf;

formats. To the point as to why would it be harmful if this was passed if schools are already doing it, I would respond with why duplicate?

Duplication causes confusion when laws do not match and creates the potential for an honest mistake. As I understand it, the timelines and expectations vary from those requirements that already apply to schools, which causes confusion in responding. For example, there is an easy-to-follow chain of command in the current code of conduct for my children's school. The chain of command logically starts with the teacher and provides elevation all the way to the school board. You are not mandated to start with the teacher and always have the option to start at whatever level is appropriate commensurate with the issue at hand. In this bill, request for information goes to the principal or superintendent and requires a ten-day turnaround time. Current applicable law allows for 45 days and SB 2260 doesn't take into account whether the request logically should go directly to the principal or superintendent or whether other options in the chain of command make sense.

I would defer to the school representatives expertise⁴, but I see this draft law and its requirements as giving a particular parent the opportunity to change the entirety based on their individual view through the ability for filing suit as an infringement of their fundamental rights rather than following the proper channels that apply to all parents and potentially ignoring the voice of the majority of parents. We could have individual parents with vastly different views of what curriculum should be while proffering that their fundamental rights are infringed, battling it out in a courtroom leaving the school district to defend itself in these "suits" at great expense to school, or more accurately, taxpayers. Instead, the resource allocation would be better served in diverting more funds into the students, behavioral health programs and overall support of the teaching staff and student body. In egregious situations, litigation against a school district already exists, but the idea that a suit could be filed because an individual claims their fundamental rights as a parent are being violated is a very low threshold for suit based on the draft of this law.

As a mom with kids in elementary school, I went to the web site to refresh my recollection of the stakeholder commitments⁵(provided with my testimony). In my experience with the schools, I have had every opportunity and invitation to review curriculum, join the parent teacher organization, participate in surveys on direction of the district, volunteer and have always received more than enough notice regarding the plan for the week ahead. A specific recent example is the fact I had to sign a permission slip to allow my child to do a fire safety program in conjunction with the Bismarck Fire Department and the Optimist club. It made very clear on that document what the learning opportunity entailed and that failure to return would result in not being allowed to participate. This permission slip makes sense because it had a smoke simulation, so if my child had asthma, I could opt out. On the other hand, signing a permission slip to allow the teacher to call my son Alexander, AJ, is something that seems much better suited for a conversation without such formality. Every teacher I have experienced so far are open to have conversations and are responsive to inquiries. They are kind, smart and interested in their students' learning and overall success. All the information related

⁴ Senate Bill 2188; Testimony Amy DeKok; https://ndlegis.gov/assembly/68-2023/testimony/SJUD-2188-20230117-13840-A-DE%20KOK_AMY.pdf

⁵ Bismarck Public Schools website, last accessed Jan. 23, 2023; https://www.bismarckschools.org/cms/lib/ND02203833/Centricity/Domain/4/4_11_22%20Code.pdf

to the schools that a parent could ever need is very accessible in a number of ways. I would recommend always starting with your child's teacher or the school's web site.

Finally, I have a strong preference for local control and that is the reason we have school boards. Ultimately, if a community feels that their school board is not listening to them or addressing the education of our youth properly, we all have the option of running for the school board or just voting for someone who is closely aligned with our ideals. Our school boards are reflective of the local community and the local community needs, demands and preferences. What works for Bismarck may not work for Watford City and what works in Bottineau may not work for Fargo. Any time you level up in government, that local community voice gets lost, much like the state vs the federal government. Local control and autonomy of our school boards must continue to determine what each respective community needs must continue.

Based on SB2260's duplication of requirements, potential for taxpayer waste, potential for favoring of individual's claiming their fundamental rights are violated over the majority, the overall burden on schools to comply with yet another layer of stringent requirements that vary from those stringent requirements that already exist, and the unintended consequences this legislation presents, I respectfully request a Do Not Pass.

Thank you. I would be happy to stand for any questions.

Senate Judiciary Committee

Sen. Diane Larson, Chair

Jan. 17, 2023

SB 2188

Good morning, Chair Larson and members of the Senate Judiciary Committee. I am Dr. Danielle Thurtle, a board certified pediatrician and pediatric hospitalist with Sanford Health Bismarck. I serve as Sanford Bismarck's chief of pediatric medicine and patient safety officer and chair the physician executive committee.

We ask that you give this bill a **Do Not Pass** recommendation.

While the bill on its surface seems well intended, there are numerous situations when parental consent is not possible and/or may serve as a barrier to a minor receiving medical care in a timely manner:

- **Medical emergencies:** In emergency situations when reasonable attempts to contact a parent fail, consent to provide life-saving services is implied.
- **Prenatal care:** I have had minors seek pregnancy prevention or disclose sexual abuse without parental consent. If I were unable to even see minors without a parent's consent they would have no way to disclose abuse going on in the home.
- **Substance use disorder:** North Dakota law provides that minors 14 and older may receive examination and care without parental consent. I have had many, many minors disclose substance use to me only after I inform them that it's confidential. Once they disclose I always convince them that their parent is an ally so have never had to prescribe medications or other therapies without a parent's knowledge. The confidentiality is essential to building trust in the first place.
- **Sexually transmitted disease:** As with SUDs, North Dakota law specifically provides for minors ages 14 and older to receive examination and care for sexually transmitted disease. As with pregnancy and SUDs, confidentiality is essential to help ensure STDs do not go unchecked, potentially leading to infertility, disease and increased risk for organ failure.

From a purely operational standpoint, requiring consent for every commonplace treatment will bring an unnecessary layer of paperwork and workforce challenge to an already highly regulated industry.

Further, there are numerous times when a minor is accompanied by someone other than a parent, e.g. a grandparent.

While it's understandable to think minors all have parents that are actively involved in their lives, this simply is not the case. There are extenuating circumstances when it is critically important to provide care even when a parent is not present to provide written consent.

Thank you for your consideration.

I would be happy to answer any questions.

Danielle Thurtle, M.D.

Sanford Health Bismarck

Danielle.Thurtle@SanfordHealth.org

701-323-3700



2023 Senate Bill no. 2188
Senate Judiciary Committee
Senator Diane Larson, Chairman
January 17, 2023

Chairman Larson and members of the Senate Judiciary Committee, I am Melissa Hauer, General Counsel/Vice President, of the North Dakota Hospital Association (NDHA). I testify in opposition to Senate Bill 2188. We ask that you give the bill a **Do Not Pass** recommendation.

It is a long-established principle that before treating a patient a health care provider must obtain the consent of that patient. What is a simple rule becomes less so when treating minors. The idea that parents should have the right and responsibility to make health care decisions for their children seems eminently reasonable. In most states, age 18 is the age of majority and so, before treating a patient under that age, consent must be obtained from the patient's parent or legal guardian. This seems straightforward but some provisions of the bill would change longstanding North Dakota law regarding minors' ability to consent to their own treatment in certain circumstances and other provisions of the bill are simply unworkable.

First, the bill would require prior, written consent of a parent before any health care provider could prescribe drugs or provide medical services or procedures to a minor. We feel this requirement is unworkable. For example, what if a minor needs emergency surgery and the parent cannot be reached in time? Currently, hospitals are required to attempt to contact a parent in that situation but would not delay life-saving treatment in the meantime. The bill has no exception for emergencies. The bill would also mandate prior, written consent for routine services that are performed every day without such paperwork, such as when a health care provider takes a child's temperature, looks in her ears, and listens to her heart as part of a routine well check visit or when seeing a child for

a minor illness. Do we really want every single health care service, treatment and prescription for a minor to require a parent's written consent?

There is also a long history of the legislature acknowledging that, in certain circumstances, it may be more important for a young person to have access to confidential medical services than it is to require that parents be informed of the situation. For example, current North Dakota law gives minors the right to consent to treatment in a few specific situations:

1. N.D.C.C. § 14-10-17, which provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.
2. N.D.C.C. § 14-10-17.1, which provides that a minor may contract for and receive emergency examination, care, or treatment in a life-threatening situation without the consent of the minor's parent or guardian. If a minor has an emergency medical condition or the potential for an emergency medical condition, consent to emergency examination, care, or treatment of the minor is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful. It also provides that a health care provider may provide emergency medical care or forensic services to a minor who is a victim of sexual assault without the consent of the minor's parent or guardian. Reasonable steps must be taken to notify the minor's parent or guardian of the care provided.
3. N.D.C.C. § 14-10-18.1, which provides that an individual who is at least 16 years of age may donate blood on a voluntary and noncompensatory basis without obtaining the consent of the individual's parent or guardian.
4. N.D.C.C. § 14-10-19, which provides limited prenatal care, pregnancy testing, and pain management related to pregnancy for a minor without a parent's consent. A health care provider may provide prenatal care beyond the first trimester of pregnancy or in addition to the single prenatal care visit in the second or third trimester if, after a good-faith effort, the health care provider is unable to contact the minor's parent or guardian. The law requires that if a minor requests confidential services, the health care provider shall encourage the minor to involve her parents or guardian. The health care provider may inform the parent or guardian of any pregnancy care services in certain circumstances.

5. N.D.C.C. § 14-10-20, which just passed last session, allows an unaccompanied homeless minor to consent to health care (other than an abortion).

If SB 2188 passes, would it override these longstanding laws allowing minors to consent to their own health care in these limited circumstances? This bill is simply unworkable in the burden it would place on health care providers to secure prior written consent to all health care services, even routine examinations or prescriptions. In emergency circumstances this bill's requirements would be dangerous and impede life-saving care. And while health care providers agree that parental involvement is desirable and ideally parents and teenagers would work together to make well thought out health care decisions, the reality is that if we take away access to confidential health care in certain situations teenagers simply will stop seeking the care they need.

For these reasons, we ask that you give the bill a **Do Not Pass** recommendation.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Melissa Hauer, General Counsel/Vice President
North Dakota Hospital Association



SB 2188
Testimony of Amy De Kok
Senate Judiciary Committee
January 17, 2023

Chair Larson and members of the committee, my name is Amy De Kok. I am General Counsel for the North Dakota School Boards Association. NDSBA represents all North Dakota public school districts and their boards. NDSBA stands in opposition to SB 2188.

NDSBA's opposition centers on Sections 3 and 4 of the Act. Section 3 requires each public school district in North Dakota to adopt a policy to promote parental involvement in the school system and then contains a extensive list of items the policy must contain. NDSBA opposes Section 3 because is it unnecessary. Public school districts already have school policies addressing most of these matters. Public school districts in North Dakota have long supported and encouraged parental involvement and engagement in their student's education, and school boards have adopted school policies reinforcing this idea. Indeed, school districts are already required to adopt a parental and family engagement policy under federal law, namely the Every Student Succeeds Act (ESSA). This policy is very detailed to achieve parent and family engagement on a district-wide level, as well as in each school within the district. It requires, among other things, joint development between the district, parents and families of a district-wide plan detailing the actions the district will take to ensure involvement of parents and families in school programs. The policy requires annual evaluation of the district plan to ensure effectiveness and addresses how to build the capacity of parents and families with training and resources. These are just a few things the policy covers. In addition to the parent and family engagement policy, school boards also adopt policies addressing:

- Curriculum design and adoption, including a complaint procedure available to parents and patrons to challenge curriculum adopted by the board and instructional materials used by teachers in the school system.
- Immunizations required to attend school in North Dakota and the process required to be exempt from those requirements.
- Student retention, promotion, acceleration, and graduation requirements.
- Enrollment in gifted and special education programs, including procedures to identify such students.
- Student attendance.
- Grading procedures.
- Access to student records and information and the limits of disclosure of such information absent parental consent.

In addition to policies, school districts already have most of the information referenced in Section 3 of the bill available on their website or available upon request. In other words, parents already have the ability to access all of this information. All they need to do is check their district's website or contact the school and request the information. Requiring public schools to adopt another policy addressing all of these issues will be duplicative and may cause confusion as to policies already in place.

Section 3 of the bill is also unnecessary because the open records laws in North Dakota already provide a means and method to request this information from public school districts. This includes school board policies, regulations, procedures, instructional materials, and information on student clubs and parent organizations, to name a few. Under the open records laws, anyone from anywhere may, in pretty much any manner, request records from a public school district, including electronically stored records. These records must be provided within a reasonable amount of time. Reasonableness will depend on the circumstances, including the breadth of the request and the type of records requested; however, what is reasonable is usually measured in a few days, not weeks. As for student specific information, the federal Family Educational Rights and Privacy Act (a.k.a., FERPA) provides parents the right to access their student's education records within 45 days of request. This would include such things as attendance records, grades/report cards, student conduct and discipline records, assessments, and related materials, essentially anything directly related to their student and maintained by the district.

Section 3 also includes a provision, starting on page 5, line 20, which allows a parent to make a written request for information from the school superintendent. The superintendent must then respond with the requested information within 10 days. This is regardless of the breadth of the request or the volume of information requested. If this bill is passed in its current form and a superintendent, for example, receives a request for copies of all instruction materials used by 3rd grade teachers, the superintendent would be required to drop everything and devote all of their time and attention to fulfill the request within the 10-day period. This doesn't even factor in other school staff who may need to assist in responding to the request. We believe this 10-day response period could prove problematic in many circumstances. Again, NDSBA believes the open records laws already provide a means of requesting information from a public entity and is better suited to cover these types of requests.

Finally, NDSBA has concerns with Section 4 of the bill. Section 4 prohibits a school district from collecting any "district-wide" data on a student that is not required to be collected by law. First, it is unclear to what is meant by "district-wide" data. Information and records gathered and maintained by public schools are not separated in such a way, at least for the most part. Also, is this meant to cover any and all data of a student? While it is true that federal and state law require certain student data to be collected, most data collected and maintained by schools is not collected because it is required by law. Rather, it is collected for various other reasons. For example,

data regarding athletic accomplishments and statistics are kept on a student-by-student basis. This is not information required to be collected and kept by law. If this bill passes, such data would not be able to be collected or maintained. Another example is a student's permanent record. For the most part, the law does not define what particular information should be included in a student's permanent record. This is usually dictated by school board policy, a document retention schedule, and/or best/common practices. These are just a few examples of the type of data collected that is not required by law.

For these reasons, NDSBA urges a Do Not Pass recommendation on SB 2188, and I am happy to stand for any questions. Thank you for your time.

Code of Conduct & Stakeholder Commitments

Approved by Bismarck School Board 4/11/2022

BPS is fortunate to have supportive and friendly parents and community members who help model appropriate behavior for all children. It is important for students to see adults work together so they too can learn to be productive contributing community members. In addition, it is essential that BPS continues to be transparent and collaborative with all stakeholders. Creating a safe, caring, and respectful school environment is the work of all staff, students, parents, and our community.

Code of Conduct - as caring adults, we should:

- Respect school staff and what they do to help our children learn
- Ask the school for help if we have questions or want more detail
- Respect teaching time by not disrupting class or areas of the school during school hours
- Ask the school for their view on an incident prior to taking matters further (*ask before you act*)
- Work to resolve issues and conflicts in a constructive manner:
 - open dialogue and respectful language
 - appropriate behavior, moderate tone and even temper
 - avoid the use of social media as a tool to address conflict
- Follow the proper "chain of command" which follow:
 - Teacher
 - Assistant Principal or Principal
 - Assistant Superintendent
 - Superintendent
 - Then finally the School Board
- Voice concerns with school decisions in the appropriate forum, such as a meeting with the relevant level of leadership following the chain of command referenced above.

Stakeholder Commitments – Bismarck Public Schools will ensure Parents/Guardians Access to:

- Timely notification of safety issues related to their child
- Information on guest lecturers and outside presenters prior to addressing students (Policy GBBA)
- Opt-in and opt-out opportunities (Policy FGA and yearly opt-in and opt-out opportunities)
- School visits during school hours (Policy KAAA-AR)
- A parent/guardian/eligible student's right to inspect educational records (Policy FGA-BR)
- Information regarding who receives Bismarck Public School contracts (Policy HCAA)
- Grades that outline easy to understand Standards and student progress on academic learning and work completed (Policy GCBA/GCBB)
- Bismarck Public Schools encourages and recognizes as important the active participation of citizens in the process of public education. Any resident or employee of the school district may review instructional or library materials (Policy GAAC)

Bismarck Public School's priority is to ensure the safety and security of our students, the security of their educational records, and all personal data. (Policy FC, FG and the entirety of all FGA policies including but not limited to FGA - E through FGA - E8 and FGA – BR through FGA - BR2)



SB 2260

Members of the Senate Judiciary Committee,

“My name is Fred Braun and I reside in District 13. I am asking that you please render a DO PASS on Senate Bill 2260.”

The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be the primary directors of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Fred Braun



2023 Senate Bill no. 2260
Senate Judiciary Committee
Senator Diane Larson, Chairman
January 24, 2023

Chairman Larson and members of the Senate Judiciary Committee, I am Chris Meeker, a board-certified emergency physician and I serve as chief medical officer at Sanford Health Bismarck. I testify in opposition to Senate Bill 2260. We ask that you give the bill a **Do Not Pass** recommendation.

It is a long-established principle that, before treating a patient, a health care provider must obtain the consent of that patient. The idea that parents should have the right and responsibility to make health care decisions for their children seems eminently reasonable. Before treating a minor patient, consent must be obtained from the patient's parent or legal guardian. This seems straightforward but some provisions of the bill would change longstanding North Dakota law regarding minors' ability to consent to their own treatment in certain circumstances and other provisions of the bill are simply unworkable.

Section one of the bill would require a substantial and concerning change regarding reporting of child abuse and neglect. As you probably know, health care providers are mandated by state law to report suspected child abuse and neglect. The bill provides that a parent has the right to be notified promptly if the government or other "institution" suspects abuse, neglect, or a criminal offense has been committed against the child. It is unclear who will be obligated to provide that notice to a parent. Will the person making the report also be required to notify the parents? What if they cannot be found? What if a parent is the alleged abuser?

The bill has conflicting provisions regarding parental consent to health care. Section one requires written consent of a parent to health care for a child. Section three provides only for "consent" and does not define whether that is written or verbal. The reference to consent via telemedicine implies that verbal only consent is sufficient. But the

requirements of these two sections are at odds with each other. It will be difficult for health care providers to know whether they may rely on verbal only consent.

If the intent of the bill is to require prior, written consent of a parent before any physical or mental health care can be provided to a child, such a requirement is unworkable. Prior, written consent for everything, even routine services such as when a health care provider takes a child's temperature, looks in her ears, and listens to her heart as part of a well child visit, or when seeing a child for a minor illness, is simply not practical and adds another paperwork burden to our health care system. Do we really want every single health care service, treatment, and prescription for a minor to require a parent's written consent?

The bill's provisions would also conflict with longstanding laws governing when minors may consent to their own health care. The legislature has determined that, in certain circumstances, it may be more important for a young person to have access to confidential medical services than it is to require that parents be informed of the situation. For example, state law gives minors the right to consent to treatment in specific situations:

1. N.D.C.C. § 14-10-17 provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.
2. N.D.C.C. § 14-10-17.1 provides that a minor may contract for emergency examination, care, or treatment in a life-threatening situation without the consent of the minor's parent or guardian. Consent to emergency examination, care, or treatment is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful.
3. N.D.C.C. § 14-10-18.1 provides that an individual who is at least 16 years old may donate blood on a voluntary and noncompensatory basis without consent of a parent or guardian.
4. N.D.C.C. § 14-10-19 provides limited prenatal care, pregnancy testing, and pregnancy pain management for a minor without a parent's consent. A health care provider may provide prenatal care beyond the first trimester of pregnancy or in addition to the single prenatal care visit in the second or third trimester if, after a good-faith effort, the health care provider is unable to contact the minor's parent or guardian. The law requires that if a minor requests confidential services, the health

care provider shall encourage the minor to involve her parents or guardian. The health care provider may inform the parent or guardian of any pregnancy care services in certain circumstances.

5. N.D.C.C. § 14-10-20, which just passed last session, allows an unaccompanied homeless minor to consent to health care (other than an abortion).

I can give you numerous examples of situations when parental consent may serve as a barrier to a minor receiving medical care in a timely manner, such as:

- Prenatal care: minors seek pregnancy prevention or disclose sexual abuse without parental consent. If we were unable to even see minors without a parent's consent, they would have no way to disclose abuse going on in the home.
- Substance use disorder: We have many minors disclose substance use only after we inform them that it's confidential. Once they disclose, our providers try to convince them that their parent is an ally. But confidentiality is essential to building trust.
- Sexually transmitted disease: As with pregnancy and substance use disorder, confidentiality is essential to help ensure STDs do not go unchecked, potentially leading to infertility, disease, and increased risk for organ failure.

If this bill passes, it will override these longstanding laws that allow minors to consent to their own health care in these limited circumstances. This bill is also simply unworkable in the burden it would place on health care providers to secure prior written consent to all health care services, even routine examinations or prescriptions. And while health care providers agree that parental involvement is desirable and ideally parents and teenagers would work together to make well thought out health care decisions, the reality is that if we take away access to confidential health care in certain situations teenagers simply will stop seeking the care they need.

For these reasons, we ask that you give the bill a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Chris Meeker, MD
North Dakota Hospital Association

My name is Jodi Plecity and I am in favor of this bill. Parents should have 100% knowledge and rights to know all medical practices and treatments happening with their minor child. It is their job to raise the kids, not the schools.

Thank you.

Good afternoon Madame Chair and members of the Judiciary Committee. For the record, my name is Bob Paulson, and I'm a State Senator from District 3 in Minot. It sure is nice to be able to introduce a bill in front of your own committee.

SB 2260 is a bill to codify parental rights in North Dakota. In preparation for submitting this bill, I researched legislation that has been passed in several states. I picked my three favorites and asked Legislative Council to blend them into a North Dakota bill. They expressed concern over the difficulty of that task, and about that time I discovered legislation which brought all of the concepts together and was exactly what I was looking for, and that's what you have before you.

I owe Sen. Clemens a debt of gratitude in bringing his bill first, as it helped inform me on some of the objections of the opposition. After going through 2260 following opposition testimony to SB 2188, I was relieved to discover that this version of the bill addresses the vast majority of the concerns expressed by the opposition to 2188.

I believe it was Senator Braunberger who asked the question regarding what things were happening in North Dakota that led to the introduction of Sen. Clemens' bill. I think it's appropriate to attempt to answer that question.

First, there are things going on nationally. As parents learned more about what their children were being taught during COVID, they raised concerns at school board meetings and were met with threat of FBI investigation, effectively treating them like terrorists. That wasn't limited to any one state—the FBI's memo applied nationwide, including right here in North Dakota. Virginia gubernatorial candidate Terry McAuliffe said, "I don't think parents should be telling schools what they should teach." Rep. Eric Swalwell, D-Calif., lamented how "stupid" it is for parents to be in charge of their kids' education.

As I spoke with parents and teachers from across the state, they shared things of concern that are going on in North Dakota. Things like:

- Children in elementary school being given surveys that asked questions about gender identity without parental notification

- Children being asked what their preferred pronouns or preferred names are, allowing for the use of a name or identity of the opposite sex without parental notification.
- Biological males using female bathrooms (K12)
- Teachers being given mandatory training in Social Emotional Learning curriculum
- A teacher teaching the United Nations Sustainable Goals-Agenda 2030,
- A class on spiritualism with guided meditation (teacher called in sick)
- A Gender & Sexualities Alliance club meeting during school hours with a faculty advisor
- There are books in school libraries that describe how to get an app that is used to find others in your area interested in gay sex. This book and others describe specific techniques and recommendations for how to engage in gay sex. The parents I spoke with who had children in the school were unaware of these books. Additionally, the leadership of the school district was unaware of these books that are in the library.

The most telling thing to me was that the teachers who talked to me either refused to put things in writing, or only did so with assurances from me that I would not name them in my testimony. Think about that. These teachers are afraid of retribution.

These things going on in our state are why I felt it was critical to introduce this bill.

Here are some things we need to establish in North Dakota, and this bill seeks to do just that:

1. That Children are born to parents and into families that form the building blocks of a society.
2. That the laws of a society should affirm the natural order of parents raising their children and reject the idea that children are products and property of the government.
3. That we must protect parents' fundamental right and duty to direct the upbringing and education of their children.

When it comes to Public School Curricula, there should be:

Accountability: Teachers and school administrators should not betray parents' trust by hiding information or indoctrinating students with ideas directly contrary to their family's sincere beliefs.

Choice: Parents should know what their children are taught and should have the freedom to opt-out of controversial curriculum or choose the schooling solution that best fits their families.

Transparency: Parents are ultimately responsible for their children. Public schools have a responsibility and duty to be transparent about what they are teaching children and to respect parents' wishes when it comes to divisive and potentially harmful issues including gender ideology or critical race theory.

A parent's right to direct their children's upbringing doesn't end at the schoolhouse gate.

When It comes to Medical Decision-Making

Parents know their children best. Their medical and moral decisions for their children should not be ignored or overruled, either by school officials or others.

Schools have a responsibility to keep parents informed—they cannot hide information about a child's mental or physical well-being from their parents.

Only parents have the authority to make medical decisions for their minor children. No-one knows their children better than parents do, and nobody loves their children more than parents do.

A parent has a right to be a parent. Parents won't take a back seat in their children's health decisions.

I would like to briefly go through the bill.

Legislative Protections for Parental Rights:

How states can better protect parents' ability to raise and educate their children consistent with their beliefs and values



Parents have the right to direct the upbringing of their children. We've seen growing instances nationwide of government officials actively seeking to replace parents as the ultimate determiners of what's best for children. States must enact laws that make it clear that the government cannot interfere with parents' fundamental rights. Parents know their children best—not the government.

Schools Must Respect Parental Rights

Parental rights are pre-political and guaranteed by our Constitution. Parents' choices about how best to raise their children should not be ignored or overruled by school officials. Instead, it is in kids' best interests for parents to be involved any time a child faces serious issues at school, whether academic, social, or mental or emotional health. Parents love and care for their children far more than any government bureaucrat will ever do. So parents must be immediately informed when such issues arise so that they can help their child navigate and overcome any challenges.

Sadly, some schools work to exclude parents from their child's life, rather than partnering with parents to support children. But schools have no right to shut parents out of their child's education and development. They are accountable to parents, who should have access to the curriculum, policies, and information the school keeps about their children.

While many states have numerous educational options for families, they offer weak protections for parental involvement at school leaving families helpless when their child is exposed to harmful content or policies that threaten a child's privacy and safety.

The Principles for Strong Parental Rights Laws

- 1 Recognize that parental rights are fundamental and that the government cannot infringe those rights unless it has a compelling reason to do so.
- 2 Explain the scope of parental rights, including decisions concerning a child's education, moral and religious upbringing, health care, and issues related to the upbringing of the child.
- 3 Provide a legal remedy for families whose rights are violated. Otherwise, families may be left with no recourse when the government tramples their rights.

Where does your state stand on parental rights?

Red Light States

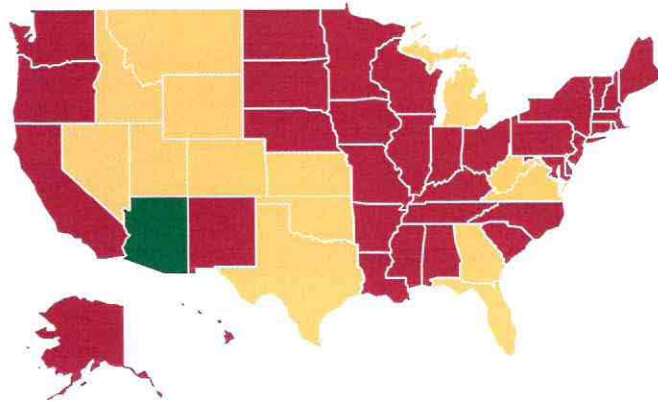
35 states do not have laws that satisfy any of the three principles for strong parental rights protections.

Yellow Light States

14 states have laws that only meet one or two of the principles for strong parental rights protections.

Green Light States

Arizona is the only state that includes all of the principles for strong parental rights protections in state law.



Breaking Down the Yellow States

	Parental Rights are Fundamental	Detailed Explanation of Scope of Rights	Legal Remedy for Parents
Colorado	✓		
Florida	✓		
Georgia	✓	✓	
Idaho	✓		✓
Kansas	✓		✓
Michigan	✓		
Montana	✓		✓
Nevada	✓		
Oklahoma	✓	✓	
Texas	✓		
Utah	✓		
Virginia	✓		
West Virginia	✓		
Wyoming	✓		

Only one state has all three principles needed for strong legal protections for parental rights, and only five states have two of the principles on the books.

When states enact laws that protect parental rights, parents are equipped to make informed decisions about whether their children should be exposed to certain ideas.



Great Public Schools

Great Public Service

**Testimony before the Senate Judiciary Committee
In opposition of SB 2260
Michael Geiermann, North Dakota United
January 24, 2023**

Chairperson Larson and members of the Senate Judiciary Committee. I am Michael Geiermann. I serve as general counsel for North Dakota United. I appear before you today in opposition to SB 2260. This bill purports to grant to parent's fundamental rights to direct their children's education, health care and mental health. The state, political subdivisions and other governmental agencies may not interfere with the exercise of those rights without showing, presumably in a court room, a compelling governmental interest and that the governmental action is the least restrictive method possible. The scope of this bill is incredibly broad. I am only here to address the issues as they relate to education. I am not going to address issues related to health care or mental health. While the bill provides a number of instances of how parents can control their child's education, in the event that control is infringed upon, it then authorizes litigation against the offending parties whether it is the state, political subdivision or an individual employee.

To stand before this committee and oppose this bill may be seen by its supporters as anti-parent. Testifying against parental control will not be taken well by some and will serve as ammunition to criticize the teachers of North Dakota. Nothing could be further from the truth. Teachers welcome parental involvement in their child's education. Teachers want the insight of parents on how best to disseminate ideas and information to students. Teachers encourage parents to get involved in not only the curriculum of the school but all the school-related activities. This bill is not about increasing that parental involvement or participation. It's about changing the very method of providing education to the children of this state. It's about granting absolute control to parents over their children's education and ensuring that control with the threat of lawsuits.

In reviewing this bill, the first issue to be discussed is the establishment of a fundamental right. A fundamental right generally has its origins in the Constitution, not in statute. What does that term "fundamental right" mean in the context of this bill? Do these fundamental rights have their origin in the U.S. or N.D. Constitution? Have the fundamental rights supposedly to be established in this bill been recognized by the North Dakota Supreme Court? Or are these fundamental rights created by the legislature? Can the legislature create a fundamental right to allow a parent to control their child's education? The North Dakota Supreme Court has recognized the fundamental right of a parent to raise their children. However, that right is not unlimited. It is beyond question in this jurisdiction that parents have a fundamental constitutional right to parent their children which is of the highest order. . . . Only a compelling state interest justifies burdening the parent's fundamental right to enjoy a relationship with his or her child, and the state must bear the burden of demonstrating the necessity for doing so in this instance.

However, in the cases decided by the North Dakota Supreme Court in which the Court has addressed a parent's fundamental right to raise their children, those cases did not present the issue of whether parents had fundamental constitutional right to control their child's education. Furthermore, the North Dakota Constitution does provide the right to a public education is a fundamental right. The education provided in North Dakota is to be uniform. Article VIII of the North Dakota Constitution requires:

Section 2. The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.

Section 3. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

Section 4. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

However, the constitutional right to education did not create an absolute right of parents to control that right as set forth by the framers of our Constitution. Nor is there a fundamental right to control education reserved to parents in the Constitution. Before the merits of this bill can be considered, the issues relating to the purported establishment of a fundamental right by the legislature must be initially addressed.

As drafted, the term used in this bill as it relates to a parent's fundamental right is the term "to direct" the child's education. The term is not defined in the statute. Words in statutes are to be understood in their ordinary and everyday meanings. Oftentimes, the North Dakota Supreme Court will look to a dictionary to define an undefined word in a statute. The term "direct" is defined as "to regulate the activities or course of," "to carry out or supervise" and "to dominate and determine." It could be argued "to direct" means to control.

The bill initially contains a general policy statement allowing parents to "direct" their children's education." (Page 1, lines 14-19). This parental control is not absolute as the state or school district can infringe upon that right by showing a compelling governmental interest and that the infringement is the least restrictive method. There are limitations placed upon the rights of the parents.

However, the bill then contradicts the above referenced provisions by stating that parental rights are reserved to a parent "without obstruction by or interference from the state, political subdivision, a governmental entity... to direct the education of a child and to make reasonable choices within a public school for the education of the child" (Page 1, lines 20-23 to Page 2, lines 1-3). The statute uses the word "reserved exclusively." Do these rights already exist or are they created under this statute? If they already exist, where are they

found in the Constitution? It also appears the state's or a school district's ability to object to the control of a parent is eliminated as the bill states "without obstruction by or interference." The parental control appears to be absolute.

This bill allows parents to control their child's education within the framework of the public school system. It allows parents to make "reasonable choices within a public school for the education of their child." (Page 2, lines 2-3). What is the definition of reasonable? Anything the parent wants for the education of their child, short of abuse and neglect, will be seen as reasonable because by its terms, the school district and the state have no authority to object or refuse the demand of the parent. The parents run the show!!

The bill, in section 2, then requires significant involvement of the school district in drafting and enforcing policies relating to the exercise of these parental rights. The bill requires the development of a plan for parent participation designed to improve parent and teacher cooperation in the areas of homework, attendance, and discipline. Since the rights are individual to each parent, does that require a personalized plan for each parent? Does the parent have the right to control when their student does homework, attends certain classes or the type of discipline for the child? And if a school district sets forth a plan and the parent objects, does the school district and teachers relent and allow for the parents control because of fear of litigation? Of course, under the statute, if the school district or the teacher cannot come up with an approved plan with the parent, they face the possibility of being sued and paying attorney fees. (Page 4, lines 4-24, Page 5, lines 24-29).

The district and ultimately the teachers who establish the curriculum are then required to establish a policy to notify the parent at least three days in advance if the class will be discussing anything to do with gender, sexual or romantic issues. If the parent objects, their child may be excused from the lesson on the material. This provision of this section of the bill is straight forward. (Page 4 lines, 25-28).

The portion of the bill which is confusing and ambiguous is the requirement to establish procedures for a parent to object to a specific presentation or instruction which is "harmful." Who determines if the presentation or instruction of a particular subject or topic is harmful? It appears the parent has an unfettered right to do so and if the district or the teacher believes otherwise or disagrees, they get sued. (Page 4. lines 29-31). The examples of the unworkable nature of these procedures are obvious. The identification of hot button issues is easy for the proponents: gender issues, sex, AIDS. The examples are much more difficult when the issues are the instruction and explanation of slavery in the United States, the Civil War, the Holocaust, the internment of patriotic Japanese Americans during World War II, the need for a Civil Rights Act, and Watergate. If a parent believes these topics are harmful to their child, under this bill, the child is excluded. Does the child simply skip those lessons? Is there an alternative lesson to be taught? Is the teacher required to teach that the Civil War was about state's rights and not about slavery? Are those subjects then excluded from the test? Does the child whose parents have excluded them from the class or lesson receive the same grade and credit as compared to a child who attends all the lessons or presentations? Does the objection by a few parents deny someone

else's child in the class their constitutional right to learn about "harmful" topics? It will be far easier for a teacher to exclude a "harmful" topic from the curriculum than to get sued.

This bill in essence creates another layer of administration for teachers. If an elementary teacher has 29 students in her classroom, under this bill, she has to now legally answer to 29 sets of new administrators on how she believes she should teach her students. That number will grow if the parents are divorced. If the teacher works in a high school, that teacher must now answer legally, with the threat of litigation, to an extraordinary number of parents who now have the same authority as administrators when it comes to subject matter, curriculum, presentation of that curriculum and academic freedom.

While the current system may not be perfect, North Dakota teachers, administrators and school districts provide one of the best educational systems in the country to their students. The system can always be improved. This bill is not an improvement. It is a hinderance. There are mechanisms in place for teachers and administrators to seek, receive and implement parental input as to the education of their students. This bill simply increases the pressure on already overworked and underappreciated teachers and administrators.

This bill does not help alleviate the critical teacher shortage we face in this state and all over the nation. North Dakota needs to recruit new teachers, not discourage them. Bills like this will force remaining teachers out of the profession and will cause new teaching candidates to second guess teaching as a potential career path. This bill is simply a blatant form of censorship. Realistically, as soon as the class or lesson is over, the excluded student whose parents believe the content of the lesson was "harmful" can obtain the same information on the internet.

I have watched the teacher shortage crisis evolve in this state for 35 years. I have seen the rights given to teachers continually attacked and diminished. This bill continues that attack. Our teachers deserve respect. They deserve to be trusted as they have earned it. They should not be subjected to lawsuits when they assert a well-intentioned and qualified curriculum for their students.

I would urge a do not pass recommendation from this committee to SB 2260.



SB 2260
Testimony of Amy De Kok
Senate Judiciary Committee
January 24, 2023

Chair Larson and members of the committee, my name is Amy De Kok. I am General Counsel for the North Dakota School Boards Association. NDSBA represents all North Dakota public school districts and their boards. NDSBA stands in opposition to SB 2260.

Initially, my testimony will focus on Section 2 of the bill, which requires the board of a school district to develop and adopt a policy to promote the involvement of parents. Public school districts in North Dakota have long supported and encouraged parental involvement and engagement in their student's education, and school boards have adopted school policies reinforcing this idea. Indeed, school districts are already required to adopt a parental and family engagement policy under federal law, namely the Every Student Succeeds Act (ESSA). This policy is very detailed to achieve parent and family engagement on a district-wide level, as well as in each school within the district. It requires, among other things, joint development between the district, parents and families of a district-wide plan detailing the actions the district will take to ensure involvement of parents and families in school programs. The policy requires annual evaluation of the district plan to ensure effectiveness and addresses how to build the capacity of parents and families with training and resources. These are just a few things the policy covers. In addition to the parent and family engagement policy, school boards also adopt policies addressing:

- Curriculum design and adoption, including a complaint procedure available to parents and patrons to challenge curriculum adopted by the board and instructional materials used by teachers in the school system.
- Access to student records and information and the limits of disclosure of such information absent parental consent.

The policy requirements listed in Section 2 of the bill are duplicative of these existing policies and will likely present an undue burden on the daily operations of school districts. It would require each teacher to prepare a detailed syllabus for each class (regardless of the grade level of the student), a procedure to allow parents to review all curriculum and teacher training materials, the right to "review, copy and record" all curriculum and teacher training materials for each class, and an opportunity to meet with the teacher, the principal or other representative to discuss these materials. The timeframes listed in the bill could be burdensome on individual teachers and administrators and could interrupt school operations. The open records laws in North Dakota already

provide a means and method to request this information from public school districts. This includes school board policies, regulations, procedures, and instructional materials. Under the open records laws, anyone from anywhere may, in pretty much any manner, request records from a public school district, including electronically stored records. These records must be provided within a reasonable amount of time. Reasonableness will depend on the circumstances, including the breadth of the request and the type of records requested; however, what is reasonable is usually measured in a few days, not weeks. The well-established procedures provide a school district flexibility necessary to respond to requests for information.

Section 2 also includes a provision, starting on page 5, line 15, which allows a parent to make a written request for information referenced in Section 2 of the bill from the school superintendent. The superintendent must then respond with the requested information within 10 days. This is regardless of the breadth of the request, or the volume of information requested. If this bill is passed in its current form and a superintendent, for example, receives a request for copies of all instruction materials used by 3rd grade teachers, the superintendent would be required to drop everything and devote all of their time and attention to fulfill the request within the 10-day period. This doesn't even factor in other school staff who may need to assist in responding to the request. We believe this 10-day response period could prove problematic in many circumstances. Again, NDSBA believes the open records laws already provide a means of requesting information from a public entity and is better suited to cover these types of requests. Also, it is unclear how this provision works with the timeframes outlined in the policy requirements listed in Section 2 of the bill.

Finally, I wanted to address a few other concerns with the bill. First, Section 1 lists several rights of a parent that may not be obstructed or interfered with by the state or any political subdivision, which includes school districts. The language of some of the provisions in Section 1 present practical problems in the school environment. For example, subdivision 3, subpart (i) provides that a parent has the right to consent in writing before any governmental entity makes a video or voice recording of a child. Schools already send out an annual FERPA notice, which among other things, informs the parent of student information that is designated as directory information that may be disclosed without parental consent *unless* the parent opt out. Directory information often includes photographs and videos of the student. Again, this notice is sent out each school year and provides an opportunity to opt out. The language in the bill is unclear whether this annual notice will suffice or if a parent must consent in advance to each and every time a video or recording is made of their child, even if the child is not the focus of the video or recording. Would this prevent a school district from allowing the media to record or film a basketball game unless consent is given before each game? Will this apply to any video or recording where the child appears, even if the child is just a bystander? What about school surveillance cameras? If a parent does not provide consent, would schools be able to operate cameras in hallways, parking lots and elsewhere on school

property? Schools rely on these cameras to monitor and ensure the safety of the students and staff. Another concern involves subdivision 3, subpart (j), which provides that a parent has the right to be notified promptly of suspected child abuse or neglect. What happens if the parent is the suspected abuser? North Dakota law designates school administrators, teachers and school counselors as mandatory reporters of suspected child abuse and neglect and includes restrictions regarding disclosure of information to third-parties, including a person responsible for the child's welfare. This part of the bill may interfere with those obligations or at least presents confusion as to how it will all work together.

For these reasons, NDSBA urges a Do Not Pass recommendation on SB 2260, and I am happy to stand for any questions. Thank you for your time.

23.0421.03003
Title.

Prepared by the Legislative Council staff for
Senator Paulson
February 1, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2260

Page 2, line 8, remove "in writing"

Page 2, line 9, after "child" insert "as required under section 3 of this Act"

Page 2, line 22, replace "if an employee" with "by an authorized representative"

Page 2, line 23, after "institution" insert "if an employee of the entity or institution"

Page 2, line 24, after "child" insert ", unless the employee has reasonable cause to believe the parent committed the offense"

Page 3, line 13, after "relief" insert ", unless the claim is asserted against a government employee. Equitable relief is the only remedy available for a claim against a government employee"

Page 4, after line 3, insert:

"e. "Teacher training materials" means materials used for professional development, including a presentation, video, or written or electronic materials used or distributed for a training activity."

Page 6, line 29, after the first "section" insert "does"

Page 6, line 29, replace "an" with ":

a. An"

Page 6, line 29, after "14-02.1-03.1" insert: ":

b. The treatment of a sexually transmitted disease or substance use disorder under section 14-10-17;

c. Emergency care of a minor under section 14-10-17.1;

d. Blood donation under section 14-10-18.1;

e. Prenatal care and other pregnancy care services under section 14-10-19; or

f. Health care for an unaccompanied homeless minor under section 14-10-20.

6. A parent may bring suit for a violation of this section and may raise this section as a defense in a judicial or administrative proceeding whether the proceeding is brought by or in the name of the state or other person. A person that successfully asserts a claim or defense under this chapter may recover declaratory relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs, and other appropriate relief"

Renumber accordingly

23.0421.03003

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2260

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Dyk, Heilman, Novak

1 A BILL for an Act to create and enact a new section to chapter 14-09, a new section to chapter
2 15.1-09, and a new section to chapter 23-12 of the North Dakota Century Code, relating to
3 fundamental parental rights, parental involvement in education, and parental right to consent to
4 medical treatment of the parent's child.

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

6 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Parental rights and responsibilities - Fundamental rights.**

9 1. As used in this section, unless the context otherwise requires:

- 10 a. "Child" means an individual under the age of eighteen.
- 11 b. "Parent" means a biological parent of a child, an adoptive parent of a child, or an
12 individual who has been granted exclusive right and authority over the welfare of
13 a child under state law.

14 2. This state, any political subdivision, or any other governmental entity may not
15 substantially burden the fundamental right of a parent to direct the upbringing,
16 education, health care, and mental health of that parent's child without demonstrating
17 that the burden is required by a compelling governmental interest of the highest order
18 as applied to the parent and the child and is the least restrictive means of furthering
19 that compelling governmental interest.

20 3. Parental rights are reserved exclusively to a parent of a child without obstruction by or
21 interference from the state, a political subdivision, a governmental entity, or other
22 institution, including the right to:

- 1 a. Direct the education of the child, including the right to choose public, private,
- 2 parochial, or home schooling, and the right to make reasonable choices within a
- 3 public school for the education of the child.
- 4 b. Access and review a written or electronic educational record relating to the child
- 5 which is controlled by or in the possession of a school.
- 6 c. Direct the upbringing of the child.
- 7 d. Direct the moral or religious training of the child.
- 8 e. Make and consent ~~in writing~~ to a physical or mental health care decision for the
- 9 child ~~as required under section 3 of this Act~~.
- 10 f. Access and review a health or medical record of the child.
- 11 g. Consent in writing before a biometric scan of the child is made, shared, or stored.
- 12 h. Consent in writing before a record of the child's blood or deoxyribonucleic acid is
- 13 created, stored, or shared, unless authorized pursuant to a court order.
- 14 i. Consent in writing before any governmental entity makes a video or voice
- 15 recording of the child, unless the video or voice recording is made during or as a
- 16 part of:
 - 17 (1) A court proceeding;
 - 18 (2) A law enforcement investigation;
 - 19 (3) A forensic interview in a criminal or department of health and human
 - 20 services investigation; or
 - 21 (4) The security or surveillance of buildings or grounds.
- 22 j. Be notified promptly ~~if an employee~~ by an authorized representative of the state, a
- 23 political subdivision, a governmental entity, or other institution ~~if an employee of~~
- 24 the entity or institution suspects abuse, neglect, or a criminal offense has been
- 25 committed against the child, ~~unless the employee has reasonable cause to~~
- 26 believe the parent committed the offense.
- 27 k. Opt the child out of any personal analysis, evaluation, survey, or data collection
- 28 by a school district which would capture data except what is necessary to
- 29 establish a student's educational record.
- 30 l. Have the child excused from school attendance for religious purposes.
- 31 m. Participate in parent-teacher associations and school organizations.

- 1 4. This section does not authorize or allow a parent to abuse or neglect a child as
2 provided under sections 14-09-22 and 14-09-22.1.
- 3 5. This section does not:
- 4 a. Apply to a parental action or decision that would end life.
- 5 b. Prohibit a court from issuing an order that is otherwise permitted by law.
- 6 6. An employee of the state, a political subdivision, or a governmental entity, except for
7 law enforcement personnel, may not encourage or coerce a child to withhold
8 information from the child's parent and may not withhold information that is relevant to
9 the physical, emotional, or mental health of the child from a child's parent.
- 10 7. A parent may bring suit for a violation of this section and may raise the section as a
11 defense in a judicial or administrative proceeding whether the proceeding is brought
12 by or in the name of the state, a private person, or other party. A person that
13 successfully asserts a claim or defense under this chapter may recover declaratory
14 relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs,
15 and other appropriate relief, unless the claim is asserted against a government
16 employee. Equitable relief is the only remedy available for a claim against a
17 government employee.

18 **SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
19 and enacted as follows:

20 **Parental involvement.**

- 21 1. As used in this section, unless the context otherwise requires:
- 22 a. "Child" means an individual under the age of eighteen.
- 23 b. "Curriculum" includes textbooks; reading materials; handouts; videos;
24 presentations; digital materials; websites; online applications; digital applications
25 for a phone, laptop, or tablet; questionnaires; surveys; or other written or
26 electronic materials that have been or will be assigned, distributed, or otherwise
27 presented physically or virtually to students in a class or course.
- 28 c. "Educational records" includes attendance records, test scores of school-
29 administered tests and statewide assessments, grades, extracurricular activity or
30 club participation, electronic mail accounts, online or virtual accounts or data,
31 disciplinary records, counseling records, psychological records, applications for

- 1 admission, health and immunization information including any medical records,
2 teacher and counselor evaluations, and reports of behavioral patterns.
- 3 d. "Parent" means a biological parent of a child, an adoptive parent of a child, or an
4 individual who has been granted exclusive right and authority over the welfare of
5 a child under state law.
- 6 e. "Teacher training materials" means materials used for professional development,
7 including a presentation, video, or written or electronic materials used or
8 distributed for a training activity.
- 9 2. The board of a school district, in consultation with parents, teachers, and
10 administrators, shall develop and adopt a policy to promote the involvement of parents
11 of children enrolled in the school district, including:
- 12 a. A plan for parent participation designed to improve parent and teacher
13 cooperation in areas including homework, attendance, and discipline;
- 14 b. Procedures to inform a parent about the course of study for that parent's child
15 and review curriculum. These procedures shall allow a parent to:
- 16 (1) Review the syllabus, curriculum, and teacher training materials for each
17 class or course that a parent's child is enrolled in at least seven days before
18 the start of each class or course. The syllabus shall include a written
19 description of all topics and subjects taught in a class or course, a list of all
20 curriculum used in the class or course, the identity of all individuals
21 providing in-person or live remote instruction in the class or course, and a
22 description of any assemblies, guest lectures, field trips, or other
23 educational activities that are part of the class or course;
- 24 (2) Review, copy, and record all curriculum for each class or course offered by
25 the school and any teacher training materials at least three days before use
26 of the curriculum or teacher training materials; and
- 27 (3) Meet with the teacher of the class or course, the principal, or other
28 representative from the school to discuss the curriculum and teacher
29 training materials.
- 30 c. Procedures to notify a parent at least three days in advance and obtain the
31 parent's written consent before the parent's child attends any instruction or

- 1 presentation that relates to gender roles or stereotypes, gender identity, gender
2 expression, sexual orientation, or romantic or sexual relationships;
- 3 d. Procedures for a parent to object to a specific presentation or instruction on the
4 basis the presentation or instruction is harmful and to withdraw that parent's child
5 from the presentation or instruction. A parent may object to a specific
6 presentation or instruction that questions beliefs or practices regarding sex,
7 morality, or religion based on harmfulness;
- 8 e. A procedure to inform a parent about the nature and purpose of clubs and
9 extracurricular activities approved by the school and a procedure to withdraw that
10 parent's child from a club or extracurricular activity;
- 11 f. Procedures requiring parental written consent before a child uses a name or
12 nickname other than the child's legal name, or before a child uses a pronoun that
13 does not align with the child's sex. Notwithstanding parental consent, a school
14 may not require an individual to use pronouns that do not align with the child's
15 sex; and
- 16 g. Procedures by which a parent may learn about parental rights and
17 responsibilities under the laws of this state.
- 18 3. The board of a school district may adopt a policy to publish the information required by
19 this section in an electronic form.
- 20 4. A parent shall submit a written or electronic request for information pursuant to this
21 section to the school principal or the superintendent of the school district. Within
22 ten days of receiving the request for information, the school principal or the
23 superintendent shall deliver the requested information or a written explanation of the
24 reasons for the denial of the requested information to the parent. If the request for
25 information is denied or the parent does not receive the requested information within
26 the allotted time, the parent may submit a written request for the information to the
27 board of the school district, which shall consider the request during executive session
28 at the next meeting of the board.
- 29 5. A parent may bring suit for a violation of this section and may raise the section as a
30 defense in a judicial or administrative proceeding whether the proceeding is brought
31 by or in the name of the state, a private person, or other party. A person that

1 successfully asserts a claim or defense under this chapter may recover declaratory
2 relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs,
3 and other appropriate relief.

4 **SECTION 3.** A new section to chapter 23-12 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Parental consent.**

7 1. As used in this section, unless the context otherwise requires:

8 a. "Child" means an individual under the age of eighteen.

9 b. "Parent" means a biological parent of a child, an adoptive parent of a child, or an
10 individual who has been granted exclusive right and authority over the welfare of
11 a child under state law.

12 2. Except as otherwise provided by law or court order, an individual, corporation,
13 association, organization, state-supported institution, or individual employed by any of
14 these entities shall obtain the consent of a parent of a child before taking any of the
15 following actions:

16 a. Procuring, soliciting to perform, arranging for the performance of, providing a
17 referral for, or performing a surgical procedure on a child;

18 b. Procuring, soliciting to perform, arranging for the performance of, providing a
19 referral for, or performing a physical examination of a child;

20 c. Prescribing or dispensing a medication or prescription drug to a child; or

21 d. Procuring, soliciting to perform, arranging for the performance of, providing a
22 referral for, or performing a mental health evaluation or mental health treatment
23 on a child.

24 3. If the parental consent pursuant to subsection 2 is given through telemedicine, the
25 individual or entity obtaining parental consent must verify the identity of the parent at
26 the site where the consent is given.

27 4. This section does not apply when it has been determined by a physician that:

28 a. An emergency exists; and

29 b. Either of the following conditions is true:

30 (1) It is necessary to perform an activity listed in subsection 1 to prevent death
31 or imminent, irreparable physical injury to the child, or

1 (2) The individual or entity obtaining parental consent cannot locate or contact
2 the parent of the child after a reasonably diligent effort.

3 5. This section does not apply to-an:

4 a. An abortion, which is governed by section 14-02.1-03.1;

5 b. The treatment of a sexually transmitted disease or substance use disorder under
6 section 14-10-17;

7 c. Emergency care of a minor under section 14-10-17.1;

8 d. Blood donation under section 14-10-18.1;

9 e. Prenatal care and other pregnancy care services under section 14-10-19; or

10 f. Health care for an unaccompanied homeless minor under section 14-10-20.

11 6. A parent may bring suit for a violation of this section and may raise this section as a
12 defense in a judicial or administrative proceeding whether the proceeding is brought
13 by or in the name of the state or other person. A person that successfully asserts a
14 claim or defense under this chapter may recover declaratory relief, injunctive relief,
15 compensatory damages, reasonable attorney's fees and costs, and other appropriate
16 relief.

House Human Services Committee
March 22nd, 2023
SB 2260 - Testimony in Opposition

Chairman Weisz and members of the House Human Services Committee, my name is Whitney Oxendahl and I am writing in opposition to SB 2260. I oppose this bill because I am a parent of three small children, and this bill is unnecessary. Parents already have rights in North Dakota.

Section 2 is all about public school education and would place an undue burden upon teachers and administration, such as in lines 24-26 on page 4: "Review, copy, and record all curriculum..."

Think about how hard it will become to recruit teachers in North Dakota if they have to have every single thing ready for review by parents. They are already putting in hours and hours with our kids, spending time making lesson plans, meeting with parents, and taking extra care with students who need it. I think about my child's first grade teacher and how this could keep her moving forward with lesson planning if a parent wanted to review everything every week.

On page 4, lines 9-13 are all about increasing parent involvement in school. I am a strong supporter of parent involvement in their children's education, and there are already avenues for concerned parents to make their voices heard. They can get involved in the PTA. They can reach out to their child's teacher who is there to work with parents on their concerns. Parents can also reach out to school board members, speak at school board meetings, or file to run as a candidate for school board.

I am concerned this bill will be used to require public schools to make decisions based on the whims of a few parents who try to direct staff, teachers, and administration on how to run the school or the district. This could impact my children's education.

This bill is a copy and paste of what other states, like Florida and Utah, are doing. This is not a North Dakota solution to a North Dakota problem. There is not a problem. Please give this bill a Do Not Pass recommendation.

Thank you for the opportunity to share my testimony.

Jane Pettinger

3633 River Drive
Fargo, ND 58104

Date: March 19, 2023

To: North Dakota House Human Services Committee

Re: SB 2260 on parental rights regarding gender roles/stereotypes/identity/expression/etc

Committee Chair and members of the Committee -

My name is Jane Pettinger, I reside in Fargo. I was born and raised here. This note is to let you all know that as a lifelong North Dakotan, I stand in firm opposition to SB 2260.

What on earth is Senate Bill 2260 under consideration for? This is an absolute waste of my taxpayer money and will only serve to create onerous requirements for teachers and school boards who are simply attempting to education our children about our world, our society, and one another. Whether the ND Senate likes it or not, there is a range of sexual orientations that our children may BE and that they ought to learn about so that they can grow into respectful and respected individuals, each living their best life, making North Dakota a welcoming and warm place to live despite our crazy weather.

Even if you removed Section 2, paragraph 2 c. and f., this is still a silly and onerous bit of legislation. I suggest that the ND House sends a strong message to the ND Senate that ridiculous bills like this one will not be tolerated or entertained. Vote this out of existence!!

Jeez.

Jane Pettinger



NORTH DAKOTA ASSOCIATION OF SCHOOL PSYCHOLOGISTS

The North Dakota Association of School Psychologists (NDASP) asks lawmakers to oppose the harmful policies outlined in the table below that target LGBTQ+ youth. These policies disallow students from using school facilities consistent with a student’s gender identity; require parental consent to have a student’s gender identity affirmed and acknowledged in school; mandatory parental notification when a student discloses they may be questioning their sexuality or gender identity; prohibition of classroom instruction on nonheteronormative sexual orientations and gender identities; removal of classroom materials that are inclusive of LGBTQ+ students and families; and afford protections for individuals who refuse to affirm a student’s identity and punitive measures for individuals who do. The following bills are discriminatory, against best practices, and do not reflect the peace and tranquility North Dakota is known for.

Vote NAY on House Bills			Vote NAY on Senate Bills
HB1205	HB1301	HB1474	SB2199
HB1249	HB1332	HB1488	SB2231
HB1254	HB1333	HB1489	SB2260
HB1256	HB1403	HB1522	
HB1297	HB1473	HB1526	

These proposed bills are in direct conflict with NDASP’s adopted position statement from the National Association of School Psychologists (NASP) which states that:

Positive educational and social outcomes for all children and youth are possible only in a society—and schools within it—that guarantees **equitable treatment to all people**, regardless of race, class, culture, language, gender, gender identity, religion, sexual orientation, nationality, citizenship, ability, and other dimensions of difference (NASP, 2019).

Additionally, school psychologists are guided by an ethical code that calls for beneficence, through which they respect the rights and dignity of all persons, and nonmaleficence, which requires that they do no harm. NASP’s ethical standards require school psychologists to validate and affirm a young person’s authentic lived experience, value their integrity, ensure their safety, and promote their well-being (NASP, 2020b). The proposed laws would prohibit school psychologists from practicing ethically.

Our LGBTQ+ youth need our support now more than ever. Some alarming statistics from The Trevor Project 2022 Survey include:

- 45% of LGBTQ youth seriously considered attempting suicide in the past year.
- 60% of LGBTQ youth who wanted mental health care in the past year were not able to get it.
- 73% of LGBTQ youth reported experiencing symptoms of anxiety
- 58% of LGBTQ youth reported experiencing symptoms of depression

NDASP also vehemently supports the use of evidence-based practice through an ethical lens. Conversion 'therapy' is not evidence based and has been determined to be fraudulent by several states. In fact, "The present-day scientific consensus is that such practices are not only ineffective, but highly harmful and fundamentally unethical." (Conine, Campau, Petronelli, 2022). Examples of historical unethical practices used in conversion therapy include corporal punishments such as spanking and electroshock therapy, among other questionable practices. The United Nations Human Rights Council (2020) goes as far to say that these practices are not only a public health problem, but also "violate the prohibition of torture and ill-treatment." 17% of LGBTQ youth reported being threatened with or subjected to conversion therapy (The Trevor Project, 2022), which can have life-threatening effects.

Support for LGBTQ+ youth leads to better outcomes for them and society as a whole. LGBTQ+ youth report that when adults talk to them respectfully about their LGBTQ+ identity and use their names and pronouns correctly, they feel supported. Research indicates that LGBTQ+ youth are more resilient when they have supportive people in their lives. Further, LGBTQ+ youth with higher resilience are 59% less likely to attempt suicide and 69% less likely to consider suicide (The Trevor Project, 2022). NDASP supports legislative actions to increase access to mental health for all individuals, including LGBTQ+ youth.

Please join NDASP in supporting our LGBTQ+ youth by voting "nay" on the house and senate bills listed above.

Sincerely,



Alannah Valenta, PsyS, NCSP

NDASP President, on behalf of North Dakota Association of School Psychologists

References:

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The Trevor Project. (2022). 2022 National Survey on LGBTQ Youth Mental Health. www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf

United Nations Human Rights Council. 2020, Report on Conversion Therapy, <https://www.ohchr.org/en/calls-for-input/report-conversion-therapy>. Accessed 27 Jan. 2023.



100 4th St S, Ste 608,
Fargo, ND, 58103
Phone: 701-264-5200
Fax: 701-999-2779
www.canopymedicalclinic.com
Email: info@canopymedicalclinic.com

March 19, 2023

Re: SB 2260 – Relating to Fundamental Parental Rights, Parental Involvement in Education, and Parental Right to Consent to Medical Treatment of the Parent's Child

Dear Chair Weisz and members of the House Human Services Committee,

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic in Fargo, ND. Among the primary populations of people I serve are lesbian, gay, bisexual, transgender, queer, intersex, asexual, aromantic, and Two Spirit (LGBTQIA2S+) folks in North Dakota – including students in North Dakota’s public schools. I am a former elected school board member and I have two children in public schools. It is from these intersecting experiences that I urge you to vote **Do Not Pass on SD 2260**. If passed, this bill would do irreparable harm to transgender students throughout North Dakota, be costly and contains no funding mechanism, and drive teachers out of the state.

First, the data on the lethality of being a young trans person in the State of North Dakota is concrete. For trans high schoolers in North Dakota we know:

- More than half seriously considered suicide in the last year
- That rate is 3.3 times higher than their straight cisgender counterparts
- 30.4% attempted suicide in the past 12 months
- That is five times higher than their straight cisgender counterparts

This is data that focuses solely on youth in North Dakota, is from the 2021 Youth Risk Behavior Survey. These are the stats before the 2023 North Dakota legislature introduced multiple bills either directly targeting or severely disrupting the lives of our transgender friends, family, and neighbors. **Further, peer reviewed research from the Trevor Project shows transgender children who have one supportive adult in their lives are 39% less likely to attempt suicide.** This bill would rob so many children, who may not have one supportive adult at home, of the opportunity to have one at school. It is not hyperbolic to say, this bill will endanger the lives of North Dakota students.

Second, North Dakota school districts are already working on ways to get parents more involved with their child’s education. Schools have data that demonstrates kids with parents who are involved with

their education do better. This is not new information. Perhaps, North Dakota's time and money would be better spent helping parents attain work/life balance, so they are able to be more involved with their child's education.

Third, what is the funding mechanism that would make these new requirements possible or is this another unfunded mandate schools will be forced to manage?

Lastly, this bill will absolutely drive teachers out of the state. During my time on the board, I heard teachers say, time and again, that teaching now is drastically different from teaching 20 years ago. Kids are coming to school with more trauma and less support. Teachers are continually asked to do more with less, and to thank them for their tireless efforts, the North Dakota legislature proposes more restrictions and less flexibility on teachers, who are already bending over backward to do just about everything in this bill.

North Dakota students need to be able to rely on their teachers, principals, and school staff to support them, if they are not getting that support at home. North Dakota teachers and school districts need to be able to rely on the North Dakota Legislature to remove barriers to providing high quality education to all students. For these reasons I urge you to vote ***Do Not Pass on SB 2260.***

Sincerely,
Kara Gloe, LMSW
Canopy Medical Clinic

As a mother of a transgender teen in the North Dakota Public School System, I strongly oppose SB 2260. Transgender children should be able to explore their gender identity, and schools are often a safe space to do so. This bill would remove a safe space for transgender children which can lead to a detriment effect on their mental health. In addition, this bill is also counter to other anti-LGBTQ+ bills being proposed this session, such as HB 1254 and 1301 which removes the parent's fundamental right to make decisions for their child with their medical doctor. SB 2260, HB 1254, and HB 1301 make no sense together. Please do not support this legislation as it is harmful and discriminates against transgender people.

House Human Services

SB 2260

Wednesday, March 22nd, 2023

IN OPPOSITION

Committee Chair and members of the Committee, my name is Audin Rhodes (legally Allison Joyce Rhodes) and I am writing in opposition to SB 2260.

I am a concerned civilian who was born and raised in North Dakota. I am a family services case manager at a statewide organization partnered with North Dakota Health and Human Services that helps lower income people receive services to better their lives and families. I am here of my own volition due to the extremely personal stake I have in this legislature. I grew up in the small town of Velva, ND and am now living in Minot, ND. For nearly 30 years I've been here and for well over half my life I've known I was queer.

One of my best friends nearly killed himself when he was an adolescent youth because his family did not accept his queerness and because he thought he would never be able to live and be loved as a man. I'm so thankful he lived beyond that day. Many queer kids aren't so lucky however. Half of all transgender and nonbinary youths have seriously considered attempting suicide in the past year. And at least one attempts suicide every 45 seconds. These are our children. By and large, the research has shown that supporting LGBTQIA+ youth is what leads to happy, well-rounded adults. Trying to change them or rejecting them for who they are leads to despair, hopelessness, self-harm, and sometimes death. The following was taken from the Human Rights Campaign:

“So-called “conversion therapy,” sometimes known as “reparative therapy,” is a range of dangerous and discredited practices that falsely claim to change a person’s sexual orientation or gender identity or expression. Such practices have been rejected by every mainstream medical and mental health organization for decades, but due to continuing discrimination and societal bias against LGBTQ people, some practitioners continue to conduct conversion therapy. Minors are especially vulnerable, and conversion therapy can lead to depression, anxiety, drug use, homelessness, and suicide.

To date, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Virginia, Vermont, Washington, the District of Columbia and Puerto Rico all have laws or regulations protecting youth from this harmful practice. Eight of these state laws or regulations were enacted under Republican governors. A growing number of municipalities have also enacted similar protections, including at least 70 cities and counties in Arizona, Colorado, Florida, Georgia, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Washington and Wisconsin.” (hrc.org)

Imagine you were told that you weren't who you know yourself to be. Imagine you were told that your gender identity is an illness and that your sexuality is wrong. You'd be forced to live a life that is not true to who you are. You'd have to cut parts of yourself off, and that is an act that leads

to death, a bleeding out of someone's soul if you would. And I don't think any of us wants to lead children to death or harm. We can at the very least agree on that. We have a responsibility to protect our trans, non-binary, gay, lesbian, gender non-conforming, queer children. We have a responsibility to acknowledge their identities and save them from the painful abuse of conversion practices.

Kids deserve to be accepted for who they are and for who they are becoming. They deserve to explore their gender and sexuality. They deserve to explore their values. They deserve a future.

There is no harm in allowing kids to live life as their most authentic selves. It is a beautiful thing to watch a child grow into their confidence and identity. It costs you nothing to be kind to them as they navigate who they are. It costs you nothing to love the uniqueness of our gender-queer children. That is why I am in strong opposition of SB 2260.

Thank you for reading my testimony. Your consideration of my perspective and the other perspectives of the trans, queer, gender expansive and gender non-conforming LGBTQIA+ community is very much appreciated.

Audin Rhodes

Ajdubz379@gmail.com

#701-389-0910

House Human Services Committee,

Please render a do pass recommendation for SB 2260. This bill is needed for the following reasons.

- In September of 2021, The National School Board Association tried to silence concerned parents by weaponizing the Department of Justice and the FBI against them. The association of legitimate parental concern over their children's education with terrorism and violence reveals a widespread contempt for parental authority as well as the extreme lengths those in power will go in order to silence dissent. Internal memos show that the Biden Administration colluded with the NSBA in this effort to weaponize the full force of the FBI and Department of Justice against law-abiding citizens exercising their right to advocate for their children. ND Century code should protect North Dakota parents from this federal overreach.
- National headlines such as the one from The Washington Post ("Parents claim they have the right to shape their kids' school curriculum. They don't.") reveal a pervasive and purposeful undermining of parental rights and responsibilities in the education of their children.
- There is a growing movement to make homeschooling appear dangerous and extreme. Some are even calling for an outright ban. Many believe that the state's influence and values should be equal to or supersede those of parents.
- It is the state's obligation to secure parental rights particularly as the medical establishment continues to become increasingly more ideologically-motivated. WPATH, the world's leading association on transgender health, recently removed minimum age requirements for "gender-affirming care" and suggests that if parents do not affirm their child's newly chosen identity, the state may be enabled to intervene in order to assist with the child's medical and social transition.

Thank you for your consideration on this matter and for your service to the state of ND.

Sincerely,

Amber Vibeto
Minot, District 3

Hello,

I am writing today to ask that you Do Not Pass SB 2260.

I firmly believe that if you ask any educator in the state, requests for curriculum will negatively impact their valuable time and resources. Requiring educators to provide all information as detailed as SB2260 outlines will negatively impact ND's education climate for our teacher and students. At a time when we are struggling to hire and retain quality educators, we should not be making their jobs harder.

Our teachers have been professionally trained, vetted, and hired by school districts and they should be trusted and empowered to do their job to the best of their ability with the appropriate oversight of administration as it pertains to their role. Each content area and grade level requires in depth preparation as well as flexibility for differentiation for students. While a syllabus is helpful to guide students to learn the state standards, teaching of that content may need to be adjusted on the spot. Educators are knowledgeable about their subject matter and know how best to present information for students at a developmentally appropriate level. It is necessary that they have the freedom, without risk of lawsuits, to provide factual information and facilitate open discourse for our students to engage in learning.

Restricting the efforts of educators is not the best way to educate the next generation.

Additionally, this bill restricts the use of nicknames and pronouns for a population of students who have been unnecessarily targeted for their identity. I agree that parents have the right to raise their children as they best see fit, but legislating rights for some parents puts an undue burden upon others. Again, I urge you, do NOT pass SB 2260.

Thank you,
Christina Jorgensen
Dickinson, ND

Thank you, Chair and members of the Senate Judiciary Committee, my name is Karen Krenz and I am asking that you please render a DO PASS on Senate Bill 2260. I reside in District 1 in Williston and mom of 3 boys, I was a teacher and counselor for combined 23 years in multiple districts. chair of the Moms for Liberty Williams County chapter, I as a parent we guide, protect and are responsible for our child until they are 18 years old and beyond. I expect rights as a parent to know if my children are being surveyed, having to conform to things that are not in line with my family values, conforming to opposite sex in bathrooms, being taught United Nations Sustainable Goals, obscenities in books and expect to have a right of input for choices that are being made for my children. The state of North Dakota should be clear in its respect for the fundamental right and responsibility of parents to be of the upbringing, education, and care of their children without the unwelcome influence from activist educators and government overreach.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Karen Krenz

March 21, 2023

Dear Senators,

I have been in education for 24 years, 16 as a science teacher and 8 years as an administrator. I am writing in opposition to Senate Bill 2260 because of concerns surrounding video surveillance and the requirements encompassing curriculum and lesson planning.

We currently are replacing our surveillance equipment with new equipment that brings our district into line with leading-edge technology through a grant process with North Dakota Department of Emergency Services. If we would have a single student opt out of video surveillance we might as well turn the system off. It would be impossible to not capture the video of a specific student without shutting down the system. Video surveillance is important in both investigation of events as well as a preemptive tool. I have worked with law enforcement multiple times on situations that have occurred near our building as well as within our building. Many times, events occur in unstructured activities or in areas where students know it is difficult for staff to cover, this is when video surveillance provides an additional barrier for safety for all of our students. Please do not allow a single parent to weaken the safety of all students in our building.

I have no issues with parents having access to materials and curriculum that are implemented, but to have a day by day set ahead of time as much as a week for every single document or lecture is also unworkable. Our curriculum is selected on the merit to meet state content standards and there is already a system in place for parents to request materials. Materials are sent home nightly to parents to provide feedback to parents or provide supplementary homework. This bill would restrict a teacher's ability to differentiate instruction in real-time because their students are lacking or excelling beyond the materials; let alone the daily distractions and activities that change a teacher's lesson plans, such as fire drills, classroom disruptions due to behavior, medical events or weather. It is time that we entrust our teachers to teach content standards and trust that they are highly qualified professionals.

I can not support this SB2260, I encourage you to vote no one this one.



Ryan Moser
Superintendent
North Sargent Public School

Mr. Chairman and Members of the Human Services Committee:

For the record, I am Kris Kuehn, Superintendent of the Nesson School District in Ray, ND, and I am submitting testimony in opposition to SB 2260.

This is nonsensical legislation, if for no other reason than it is a massive overreach of legislative authority. We are governed by locally elected school boards that are charged with oversight and operation of their local schools. This "Parental Rights" bill is being pushed on a national platform and has no place in the great state of North Dakota.

If this bill originated at a grass roots level, because local school boards were not listening to their constituents, it would have some merit. That this bill has been introduced in twenty-six states, according to a quick google search, proves my point. This is a national issue in search of a local solution, and has no place in North Dakota Law.

The bill is problematic from the school administrator level through the teacher level. We are in a horrific teacher shortage, and legislation such as SB 2260 only serves to magnify what is already becoming an unmanageable problem.

Specifically, Section 1 would prohibit school administrators from using video or surveillance without parental permission. Surveillance systems are used extensively in schools to ensure student safety. Limiting the use of such a valuable tool would inhibit the ability to investigate potential crimes, including theft, destruction of school property, assault/fighting, etc. This just seems like a huge step backwards.

Section 2 is problematic at the teacher level on multiple layers. The section would require all teachers to release every lesson plan and curriculum they will use at least 7 days in advance to all parents. Lesson plans are just that, plans, and like all plans, they are subject to change. Anybody that has ever spent time in a school knows that the only thing constant is change. Teachers are constantly adjusting on the fly. Limiting their ability to adapt, or to be tied to a lesson plan that is published "at least 7 days" in advance would severely inhibit their effectiveness, and hinder student learning. There are days when lessons from yesterday need to be retaught. That would certainly not appear in a lesson plan that is published seven days in advance. Again, this seems like an extensive overreach, and a massive loss of local control.

Again, this is a cookie cutter bill that is being pushed from the national level down. There is not one thing in this bill that would make education better for the students of North Dakota.

Please consider giving a "Do Not Pass" stamp on this bill. The students and teachers of Ray, and North Dakota deserve to be treated better than this.

Respectfully submitted by Kris Kuehn.



SB 2260

Chairperson Weisz and member of the Human Services Committee. For the record I am Robert Bubach-Superintendent and High School Principal of Munich Public School. I am testifying in opposition to SB 22260. I have been an educator for 35 years and I do understand the intent of the bill, and I am not opposed to parents "knowing what their children are being taught." There are policies which already allow for parental review of curriculum. This bill, however, would place extreme undue hardship on teachers. The very idea that they would have to post 7 days in advance what they are going to be teaching is not a realistic expectation. It is NOT asking too much for teachers to submit lesson plans, but as an educator of 35 years, it is unreasonable to expect those lesson plans to be followed exactly. The reason for this is very simple. Things happen in classrooms which either accelerate your plan or delay it.

Again, this bill represents undue hardship on teachers, when teachers are hard to find!! Please vote "do not pass" on SB 2260.



Testimony by William A. Estrada, Esq., President, ParentalRights.org and the Parental Rights Foundation

In Support of S.B. 2260, Parental rights and responsibilities - Fundamental rights.

March 21, 2023

Chair Weisz, Vice Chair Rohr, Members of the House Human Services Committee, thank you for your service, and for taking the time to read my testimony, and thank you for conducting a hearing on this critical bill.

By way of introduction, our organization, the Parental Rights Foundation, and our parent organization, ParentalRights.org, have worked nationwide and in the fifty states for the last 16 years to protect children by empowering parents. We are grateful for this opportunity to submit written testimony in support of S.B. 2260, Parental rights and responsibilities - Fundamental rights.

S.B. 2260 is a commonsense bill that is premised on 100 years of U.S. Supreme Court precedent. S.B. 2260 recognizes that parents are a child's first, best, and strongest protection, and that the best way to protect children is by empowering parents.

S.B. 2260 codifies that parental rights are a fundamental right, the highest right recognized in our nation's legal structure.

The U.S. Supreme Court has long recognized that parental rights are a fundamental right. *See, e.g., Meyer v. Nebraska*, 262 U.S. 390 (1923), *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Troxel v. Granville*, 530 U.S. 57 (2000).

Passage of S.B. 2260 would make North Dakota the 16th state in the nation to codify parental rights as a fundamental right in state law. The 15 states that have already done this are West Virginia prior to 1931, Kansas and Michigan in 1996, Texas in 1999, Utah in 2000, Colorado in

William A. Estrada, Esq., President • **James R. Mason, Esq.**, Chairman of the Board

P.O. Box 1090 • Purcellville, VA 20134 • 540-751-1200 • info@parentalrights.org

2003, Arizona in 2010, Nevada and Virginia in 2013, Oklahoma in 2014, Idaho in 2015, Wyoming in 2017, Florida and Montana in 2021, and Georgia last year.¹

In these 15 states that specify in state code that parental rights are fundamental, abuse of children and neglect of children are still prosecuted. Parental rights are still terminated when the government shows that it has a compelling state interest to do so and there is no less restrictive means to protect the best interests of the child. Parents are not allowed to disrupt teachers during the school day. The public schools are still strong. Laws governing the education of children at home, compulsory attendance laws, and other common-sense laws governing the parent-child relationship exist as they did prior to the passage of the fundamental parental rights legislation.

If S.B. 2260 is enacted into North Dakota state law, it will provide parents with the highest level of legal protection. It will codify in North Dakota state law that parents have the fundamental right to raise their children, educate their children, care for their children, make medical decisions for their children, and raise their children, while still allowing the North Dakota state government to protect children when necessary, and to still provide public education. The Legislature is charged with protecting the rights of the people, so this belongs in the North Dakota State Code.

So, what is a fundamental right? Let's start 100 years ago, with the U.S. Supreme Court's 1923 decision in *Meyer v. Nebraska*. The U.S. Supreme Court stated "[T]he individual has certain fundamental rights which must be respected." And then speaking about the U.S. Constitution's 14th Amendment's Due Process Clause, the U.S. Supreme Court continued "Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men."

Two years later, in 1925, the U.S. Supreme Court made this clearer in *Pierce v. Society of Sisters*: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who

¹ West Virginia (W. Va. Code § 44-10-7, as extended by *In re Willis*, 157 W.Va. 225, 207 S.E.2d 129 (WV 1973); see also W. Va. Code § 49-1-1(a) and W. Va. Code § 49-6D-2(a)); Kansas (Kan. Stat. Ann. § 38-141(2)(b); see also Kan. Stat. Ann. § 60-5305(a)(1)); Michigan (Mich. Comp. Laws § 380.10); Texas (Texas Family Code § 151.003); Utah (Utah Code Ann. § 62A-4a-201; see also Utah Code Ann. § 30-5a-103); Colorado (Colo. Rev. Stat. § 13-22-107(1)(a)(III)); Arizona (Ariz. Rev. Stat. § 1-601); Nevada (Nevada Rev. Stat. Ann. § 126.036); Virginia (Va. Code Ann. § 1-240.1); Oklahoma (Okla. Stat. tit. 25, § 2001—2005); Idaho (Idaho Code § 32-1012 – 1013); Wyoming (Wyo. Stat. Ann. § 14-2-206); Florida (Fla. Stat. § 1014.03); Montana (Mont. Code Ann. § 40-6-701); Georgia (Ga. Code Ann. § 20-2-786).

nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”

In 1972, the U.S. Supreme Court held in *Wisconsin v. Yoder*: “[T]his case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children. The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.”

In 2000, the U.S. Supreme Court held in *Troxel v. Granville*: “The liberty interest at issue in this case -- the interest of parents in the care, custody, and control of their children -- is perhaps the oldest of the fundamental liberty interests recognized by this Court.” The U.S. Supreme Court then spent several paragraphs discussing all the cases establishing parental rights as a fundamental right, and concluded, “In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.”

S.B. 2260 is a commonsense bill that protects the fundamental, Constitutional rights of all parents in North Dakota, rich and poor, Black and white, urban and rural, Republican and Democrat. I respectfully urge that it be passed into law in the state of North Dakota.

March 21, 2023
Members of the committee:
My name is Nick Amb. I am the elementary school principal at North Border in Walhalla. I am urging the committee to vote NO on SB 2260. There are several reasons this bill is bad policy, and I will elaborate on each briefly. No one is disputing the rights of parents to determine their child's best interests in education. I do dispute the unnecessary requirements that are duplicative and arduous, and fear that these requirements will be another thing school staff are dumped on with.

1. The bill is unnecessary and duplicative. This bill adds another layer of government, bureaucracy, and red tape. It presents onerous requirements to school staff. The curriculum is already available, per our policy. I encourage any parent to come to the school and visit! Get to know your child's teachers!! Be a part of open house, awards day, parent teacher conferences, there are many opportunities to be a valued and important part of a child's education in the public school setting.
2. The bill highlights that we cannot video a child without parental consent. We already use a media release for publicizing what our schools are doing on our website and social media accounts. Consider the teacher who wishes to video her students as they do activities in PK, and sharing that out to the class group on "Remind" or perhaps the parents themselves. What about sporting events? If one parent declines, will streaming and video coverage not be allowed? Another overreach by state government all in what appear to be political efforts to demonize public school educators.
3. Finally, we are nearing a critical level in school staffing. Placing additional burdens on school staff is not the way to encourage more people to go into teaching. In fact, you may have a number of quality, veteran teachers say "You know what? I really don't need this anymore." They may move to other states, or pursue other lines of work. Who is going to educate our children when the teachers are all gone? I'd like to know.

I ask the committee for a do not pass recommendation on this bill, and I ask all representatives to consider whether this poorly crafted bill (I suspect straight from a think tank) is good policy for the children of the state of North Dakota. Sincerely yours, Nick Amb

Chairman Weisz and members of the House Human Services committee:

My name is Stephanie Hochhalter, and I am the Assistant Principal of North Shore Plaza School in the Lewis and Clark School District. I am writing in opposition to Senate Bill 2260.

I am deeply concerned about the potential adverse impacts this bill could have on our teachers and districts. Requiring teachers to submit complete curricula at least a week before the beginning of the school year would put a significant workload and stress on them. It would necessitate an extra school day and an additional day of pay, increasing the financial burden on districts.

Additionally, teachers cannot always have their curriculum available three days in advance. There may be various circumstances in which teachers have to create or find appropriate lessons for their students quickly. Waiting for three days before addressing their students' educational necessities might not be a viable option. Moreover, substitute teachers cannot always deliver the planned lessons.

There are already numerous ways to access curriculum information, such as communicating with teachers, attending back-to-school nights, and using online portals like Canvas or Google Classroom. Formal curriculums are also available online for the public to access or can be requested. I am afraid there will be parents who comb through materials and find things to be mad about. This will breed conflict between parents and teachers.

I am opposed to this bill as it would negatively affect the teaching profession and ultimately hurt the educational experience of our students, and further perpetuate the ongoing shortage of teachers in the state.

ND legislators,

I am a high school science teacher at Bottineau High School and I wanted to reach out regarding the Senate bill 2260. After reading up on it, I wanted to voice my concern on this bill. We as teachers carry A LOT of daily responsibilities. Adding this work load would dramatically affect each of us in a negative way. We spend a great amount of time working on our lesson plans already and to add all these extra tasks would take away from the time we need to complete all the other things required of teachers. The teaching field is already decreasing, and demanding these things from teachers will encourage our current teachers to find other professions as well as discourage people from entering the teaching field. Our kids need good teachers so pushing them out is not beneficial to anyone. In addition, in today's world, we need surveillance in schools. It should not be up to the parents whether our schools have cameras or not. It is a safety issue and we all deserve to be safe. Thank you for hearing my opinion.

Kendra Hamnes

To: North Dakota Legislative Assembly

From: Mr. Christopher Sommer

Date 03/21/2023

Re: Senate Bill 2060

Good Morning ,I am writing in regards to Senate Bill 2060. I currently reside in Devils Lake North Dakota, and teach in a small school about 40 miles north of Devils Lake. I would recommend a do not pass of this Bill for the following reasons:

1. Prohibiting schools from using videos or surveillance without parental permission. If one parent refused parental permission the school then would not be allowed to use surveillance video of the building which is for the safety of the students and staff.
2. Section 2- Requiring all teachers to release Every lesson plan and curriculum to parents they will use at least 7 days in advance. Do schools not have a policy in place that allows parents or community members come in and inquire about what is being taught by the teachers of the school system to begin with? I have taught social studies in three schools in North Dakota and all three had a said policy when I was employed by them. If this is the case why is there a need for state to make a law for it?

Another question I have here is would this also apply to private schools? Since private schools have can determine who they do or do not want attending their schools, and do not have to follow all the regulations of pubic schools this is a valid question. If the voucher bill passes then I would hope that since the private schools would get public funds would be treated the same as public schools in regards to this bill.

During the COVID-19 Pandemic Governor Burgum said that he wanted schools to have their own COVID policies because was going on in Bismarck for example was not happening in Pembina. He wanted to have local school districts to have control of what was going on here. I see this bill as an excessive over reach of government. If parents want to come in and review their child's curriculum they can a any time they do not need a law to tell them they can do it.

To whom it may concern,

I am writing this letter in opposition of SB2260. As a teacher in a small rural school district I believe this bill has very many things that are nearly impossible for schools to handle. Public schools are already fully subject to open records and any parent that wants the information can have it. However, mandates like this are nearly impossible to manage. The state is already in an extreme teacher shortage. Making teachers' jobs far more difficult as this bill does, will exacerbate this problem.

Section1 would prohibit schools from using videos or surveillance without parental permission. If any parent refuses this would nearly make this impossible. If this law passes how will this effect school safety? Without surveillance cameras in and on school buildings, how do we as educators keep students safe? We live in a world where school shootings happen frequently and without the use of technology to survey the hallways and outside the buildings students may be harmed. As an educator I find the thought of that unacceptable.

Section 2 We need involvement here this section would require all teachers to release EVERY lesson plan and bit of curriculum they will use at least 7 days in advance to all parents. In all my years of teaching I do not believe I have ever followed a weekly lesson plan completely. As educators we can plan the best lessons and present it flawlessly and not every student will comprehend the information. I have discovered that flexibility is the key in teaching. I may discover that my students are missing a fundamental skill that is needed to understand a lesson. This may not be discovered until I am presenting the lesson. Having the ability to pivot and fill in educational gaps is an essential part of being a teacher. I feel this section will tie educators hands and not allow them the freedom to truly meet the needs of their students. This may also interfere with reteaching as needed because teachers will worry that they are not meeting teh expectations set in that week's lesson plan. This will not benefit the students of North Dakota.

Once again I urge you to please vote in opposition of SB2260. This bill will not benefit the studetns of North Dakota.

Sincerely,

Shelley Herzing

READ 180 Teacher

K-3 Reading Strategist

4-8 Title

Center-Stanton Public School



BELFIELD PUBLIC SCHOOL

PO Box 97 308 3rd St. NE
Belfield, ND 58622

Phone – (701) 575-4275

Fax – (701) 575-8533

www.belfield.k12.nd.us

Daren Kurle
Superintendent

Anna Ross
Business Manager

Stacy Shypkoski
Administrative Assistant

Janine Olson
Elementary Principal

Shannon Meier
7-12 Principal

March 21, 2023

Dear Chairperson Larson and Members of the Judiciary Committee:

My name is Shannon Meier, and I am the 7-12 principal at Belfield High School. I have some reservations regarding SB 2260 and ask you to consider a do not pass.

- As an educator and a parent, I have no interest in usurping any parent’s fundamental right and responsibility regarding the upbringing of their child. This seems to be a consistent theme in the supporting testimony on behalf of SB 2260.
- As Mr. Hoherz pointed out in his testimony, there are times when Social Services needs to visit with a child about delicate situations happening in the home. When these visits happen, they need to be done in a confidential manner, and the best opportunity Social Services has for this is the school. While it may not be comfortable for the parents/guardians, when these situations arise, these visits need to be done in a way that keeps the best interest of the student front and center.
- Something we pride ourselves on is taking advantage of “teachable moments.” Requiring us to provide curriculum seven days before the course begins is unreasonable. Expecting teachers to know exactly what they will teach all year and to have it ready for parents to review is beyond the scope of what is expected of teachers. To add this to an already full teacher’s plate and to subject them to this kind of additional speculate review may further add to an already significant teacher shortage. It certainly limits our ability to take advantage of those light bulb moments when students make connections – those teachable moments that educators strive for. With all due respect, let us do the work we are trained to do.

Trust that your administrators and teachers know what they are doing and have children’s best interest at heart. Policies and procedures are in place; this bill goes well above and beyond what is appropriate in an education setting.

Please consider a do not pass on SB 2260.

Respectfully,


Shannon L. Meier

As an 11th year high school English Language Arts instructor in the state of North Dakota, I oppose SB 2260. Passing this bill will only cause problems for teachers and administration, who are already working overtime to provide high quality public education. As a former West Fargo Public Schools teacher, and a current Central Cass high school teacher, the parents of my students trust my professional choices, and the approved curriculum of my school. Passing this bill suggests that parents should not trust educators. My profession is a monetary and mental struggle. If you turn the students' parents against us, we may be forced to leave. Our school district thrives on being a diverse, but connected community. Do not attempt to pit the community against the school by suggesting educators are not doing the utmost to care and educate students. Sincerely, Mrs. Kristin Stadther

To whom it may concern, I am writing in opposition of SB 2260, specifically Section 2. Teachers already put in hours and hours of extra planning time outside of our contracted time. By passing this bill it would add even more time that we put into our classrooms that we DO NOT get paid for. This is an overreach of our teaching profession and our abilities. There is already a teaching shortage and I believe with the pass of SB 2260 you will see a lot more teachers quitting the profession with all the extra added work to their plates. Thank you, Taylor Kippen 1st Grade Teacher Bottineau Public School

Dear Legislator,

I am writing in opposition to HB2260 and urging you to put in a DO NOT PASS vote on the floor. This bill will exacerbate the teacher shortage problem we are currently dealing with in our school systems today.

The defined bill would prohibit schools from using videos or surveillance without parental permission. The bill will require all teachers to release every lesson plan and any bit of curriculum they will use at least 7 days in advance to all parents. Schools currently have measures in place for turning in lesson plans each week, however this bill would make it nearly impossible for teachers to accomplish this needing parental approval before teaching lessons or using curriculum. Providing alternatives will increase the teacher's workload and lead to teacher burnout if any parent refuses permission.

With teacher shortages already plaguing our state, we urge you to oppose this bill to protect teacher judgement when considering curriculum and planning for student engagement and learning.

Please reach out with any questions.

Sincerely,

Mrs. Angie Moser
North Sargent School teacher

To Whom It May Concern:

My name is Jody Preston, a teacher of 24 years. I am **seriously** concerned about the proposals (SB2260) that is being considered!

Concerning Section 1 – Prohibiting schools from using videos or surveillance without parental permission. If only 1 parent in the school system doesn't give permission, it would require us to take down our surveillance system. Without this system, students, staff, and property would be largely unprotected. Instances of bullying and other misconduct would go unchecked. What about outright school violence? These cameras protect everyone, especially the victims!

Concerning Section 2 – Requiring all teachers to release every lesson plan at least 7 days in advance to all parents is truly unrealistic! My lesson plans are posted but change! Sometimes we go through material quicker than expected but more often than not, it takes us longer to get through material than I expect. I work *hard* to make sure that my students are challenged and learning. Creating another hoop to jump through will take my valuable time away from actually teaching! Sometimes the students need something different than what I plan! Sometimes I have to teach them basic grammar in order to teach them Spanish grammar! Sometimes, life lessons come up! None of which are planned!

This proposal would make my job even tougher than it is! Do you really want to overburden your teachers and remove the sense of security that we have in our schools? Are those that are making these decisions *in* education? I need some leeway to do my job well. I think this kind of scrutiny would cause an even greater lack of teachers! I am completely shocked and a bit resentful. Just let me do my job, please...!

Jody Preston
Central Cass Spanish Teacher
Casselton, ND. 58012

3/21/23

To whom it may concern:

When reading the components to the bill regarding educational changes, it saddens me. The first component directed towards no video and surveillance is going against the safety of students and staff. There has been so many issues in society with violence against students/staff, untruth being told. With the use of video proof, there at least is a backbone when a situation occurs.

When moving onto component two, this is absolutely ludicrous. As a teacher of 9 years, I can feel a decline in students' needs being met academically, physically, and emotionally due to teachers needing to attend never ending trainings and working on paperwork. It is constantly advertised, that WE, as educators, need to be there for the student's academically, emotionally and physically, but we are not able to as often due to planning and prepping. Scores are never acceptable; therefore, we are ever changing curriculums. It takes so much time and dedication by students and staff to get students rolling into a new curriculum. We buy materials, spend countless hours in trainings, only to get students to understand, get motivated, and gain confidence into a new routine, just to change it the next school year.

If this bill passes, it would TAKE AWAY yet more time from teachers to connect with students on a deeper level. Our "extra" time, as teachers, would be spent on planning and prepping for upcoming weeks of curriculum. Personally, I have 2 small children of my own, a 12 student class full of various needs, and a personal life that I like to enjoy. ALL of these would be affected if this bill passed. We are trying to teach, guide, and care for students in a world that is already so judgmental, challenging, neglectful and hard at times, (Yes, there are many beautiful parts as well). However, if teachers are given all of this extra side work just preparing for each regular day in the classroom, there is LITTLE time for students needs to be met fully. Also, there will be VERY little time for teachers to balance school and personal life, thus, resulting into more teachers quitting and finding new professions. Insert, much larger teacher shortage.

I ask you, beg of you, to reconsider this bill. There is absolutely no positive outcome if this bill passes. It will negatively impact education and quite frankly, I am afraid to see what would become of it.

My passion for teaching runs deep. Being a part of my students' life each year, keeps me going and loving my career. It is such a part of me and I love coming to work every day. However, the thought of all this extra work is a deal breaker and would have me reconsidering education as my life long profession.

Thank you for your time.

Sincerely,

Kaia Jelinek

To Whom It May Concern:

I am consistently astounded by the egregious lack of respect shown to American school teachers. Daily in America, schoolteachers and students face perilous risks by merely stepping across the thresholds onto their campuses. In 2022 alone, there were 300 shooting incidents on American school grounds. Additionally, American schools are grossly underfunded by nearly \$150 billion yearly.

American public schools are at a crossroad. Currently, more than three-quarters of U.S. states are experiencing severe teacher shortages. And why? Violence, underfunding, disgusting lunches, non-existent funding of the fine arts, lack of support and general empathy from administrative bodies.

What is North Dakota's response? Increased funding? Gun control? Instituting programs to improve the quality of food being served in public schools? Mental health programs? Funding of the arts?

Nope. Your response is to further bully teachers. SB2260 would require all teachers to release EVERY lesson plan and every bit of curriculum they will use at least seven days in advance to all parents. The same teachers that work for abysmally low pay. The same teachers that pay for their own supplies and materials (with that abysmal pay). The same teachers that serve as a safe place for abused and forgotten children. The same teachers that face the reality of a school shooter going on a bloody rampage on their campus on any given day.

Your incompetence to oversee and improve the state of public education in the United States never ceases to amaze me. Rest assured, the passing of SB2260 will drive the proverbial final nail in the coffin of public schools in North Dakota. Please expect pushback. Please expect throngs of dedicated teachers permanently quitting the classroom to pursue careers in fields where they're not monitored and treated like children themselves.

Expect massive, unprecedented teacher shortages in North Dakota. And be sure to thank yourselves and SB2260 when you gaze upon the empty chairs behind teachers' desk filled now with only ghosts.

Given the grim reality of American public schools, this bill is laughable.

Sincerely,

Shawna Johnson, M.ED
20-year public-school teacher
New Salem-Almont High School
Shawna.johnson@k12.nd.us

Members of the House Human Services Committee,

My name is Jennifer Kallenbach and I am a resident of District 14. For the last 14 years I have worked as a high school teacher in North Dakota schools. I am also a parent to two students who attend public school. I am proud to teach in North Dakota and have felt that our schools provide excellent education to all students who walk into our classrooms. However, today I am concerned that our schools could be damaged by the passage of SB 2260 and I urge you to recommend a DO NOT PASS on this bill.

SB 2260 is disguised as a parent-rights bill, but I fear it would significantly hinder the ability of our schools to meet the educational needs of our students by providing timely, differentiated instruction. As a classroom teacher I am particularly concerned about the language of Section 2 when it states that teachers would need to allow parents to...

“Review the syllabus, curriculum, and teacher training materials for each class or course that a parent's child is enrolled in *at least seven days before the start of each class or course*. The syllabus shall include a written description of all topics and subjects taught in a class or course, a list of all curriculum used in the class or course, the identity of all individuals providing in - person or live remote instruction in the class or course, and a description of any assemblies, guest lectures, field trips, or other educational activities that are part of the class or course;

I pride myself on organization and have a syllabus and unit plan prepared for each course at the start of the school year; however, I value my students' educational needs more than the perfect execution of my plans. Although my courses are organized around the ND Content Standards, the specific materials or teaching techniques I use change throughout the semester in order to meet the individual needs of my students. If a student fails to master a concept in a standard, I often supplement different materials to help that student. For example, I may need to provide material that is written at a lower reading level, or in some cases, written in another language for our English Language Learners. Although I work diligently to get to know my students' academic abilities, I do not know exactly how each student will learn each concept for the entire course. I may not know all of the materials I would need to use for the entire course. Not to mention, I often have students join my course mid-semester. I believe flexibility and differentiation are key to successful education for all students. If SB 2260 goes into effect as written, I would not be able to supplement my courses with materials that were targeted to help the specific needs of my students in a timely manner. Education would need to be one size fits all and I do not believe that is what North Dakota parents would prefer. As a parent, that is not what I prefer.

Additionally, SB 2260 would limit the ability of educators to bring in timely public speakers. For example, I teach high school government. This past year my students were lucky to have both Representative Armstrong and Cara Mund come into our classroom and speak about the process for running for office. Due to their busy schedules, these presenters scheduled their visits at the last minute. I did not know at the start of the course that these speakers would be available. Had SB 2260 been in effect, I would not have been able to inform parents and thus

would have had to turn these speakers away. That would have been an incredible loss to my students' learning.

Finally, I have been a proud North Dakota teacher for the past 14 years and during each of those years North Dakota has faced teacher shortages in some or all content areas. Unnecessarily adding to teachers workloads and making them or their schools liable to lawsuits is not going to solve the teacher shortage crisis. Please support North Dakota teachers and support flexible, differentiated education for our North Dakota students by voting against SB 2260.

Thank you for your consideration and the work you do for the state of North Dakota.

Jennifer Kallenbach

SB 2260 Testimony - In Regards to Lesson Plans

Dear Legislators,

Thank you for taking the time to view my testimony. I have been teaching in the ND Public School System since August of 1998, and love my job. While I love my job I, as many other teachers, am challenged each school year with new initiatives set forth to improve the education of our students. Whether it is SEL, PLC's, Literacy meetings, Love & Logic, I could go on and on. It is great that we have the opportunity for improving the education of our students, but it comes at a cost to us teachers. This cost equals more time. Time away from our families, time away from our hobbies, time away from our classroom planning, time away from second and sometimes third jobs that are needed to make ends meet on a teacher's salary, etc. This time is not compensated for, which is a factor that deters many young graduates from pursuing a teaching degree. SB 2260 will also deter those young graduates. Not only will it deter them, but it will also push many of our more experienced teachers into retiring, whether it is an early retirement or if they have been hanging on after retirement age to help out with the teacher shortage. Many will decide that this is the sign they need to retire. This will not help the teacher shortage.

Creating and making available every lesson plan and bit of curriculum to parents at least seven days ahead of time will be challenging for teachers in Class A schools that teach one class five to six times per day, but it will be detrimental to teachers in Class B schools that teach up to six different classes each and every day. There are not enough hours in the day to get this done. If parents are interested in the curriculum they could email or call and visit with the teacher. They could also talk to their children about it and if they see a concern, then they could talk to the teacher. I have four of my own children, and have trusted that their teachers will teach the Standards as set by the state of North Dakota. If I had any concerns about the material covered or not covered I would contact their teachers. As a parent and a high school teacher, I would think that parents would be more concerned about the content of TikTok, Youtube, etc and put more effort into supervising their children on their devices.

If you were to ask a professional in any other career field to do this they would be appalled.

Thank you for your time and consideration.

Sincerely,

Stacy Aasen

Citizen
Public School Teacher
Parent

SB 2260

Testimony in Opposition

Chairperson Weisz and members of the Human Services Committee. For the record, my name is Larry Derr, Superintendent of Glenburn Public School. I am testifying in opposition to SB 2260.

At Glenburn we believe parents are a huge piece to the educational puzzle. We welcome input from parents and patrons of our district. There are pieces to this bill that are deeply concerning and should be left up to the elected school board members to accept policies that best fits individual districts.

We are in the midst of a teacher shortage in North Dakota. Recruiting and retaining effective teachers to not only North Dakota but to our individual school districts is a challenge. Effective teachers are not only critical to the success of our schools but also to the success of our communities.

Section 2 of this bill would add unnecessary burdens upon our teachers, administrators, and school board members. These unnecessary burdens will only create more of a teacher shortage problem than what we already have. The requirements in section 2 will present a burden on the daily operations of our school district. This would require each teacher to prepare a detailed syllabus for each class no matter the grade level, a procedure to allow parents to review curriculum and teacher training materials, the right to review, copy, and record all curriculum and teacher training materials for each class, the opportunity to meet with the teacher, principal, or other representative from the school to discuss the curriculum and teacher training materials. The timelines of this requirement are very burdensome. I have told my teachers to write grades and lesson plans in pencil and not ink so you can change them as needed. Lesson plans are fluid and need to be adjusted as the teacher assesses the knowledge of the students. Teachers plan, plan, and plan some more. Sometimes you have to adjust your sails as the wind changes direction. This bill does not allow those adjustments to be made. These requirements would expect that the school district drop everything it is doing and focus on the request made by the parent. For example, a class that has 25 students could potentially have 25 requests made by parents. Now not only does the certified teacher have to legally answer to an administrator but also to 25 other non-certified parents.

I have always been a promoter of the education system we have in North Dakota. So much in fact that my daughter is a first-year teacher. Bills like this one will continue to push people away from entering into education and will cause us to lose the great ones that we already have to other careers. We need to focus on recruiting and retaining teachers, not be discouraging and attacking them.

I would urge a do not pass recommendation from this committee on SB 2260. Thank you!

Larry Derr

Lauren Bennett
Lauren.bennett@k12.nd.us
Prairie View Elementary
Principal

Re: SB2260

To Whom It May Concern:

I am writing to you in opposition of SB2260. After reading through the bill, I have found that it is concerning and will be an incredibly burden on our educators. Educators go to school for many years to learn their craft and they continue to grow in their education by completing professional development courses. This bill would make it look as if we do not trust our educators to do what is best for our students and we are trying to “checkup” on them.

Differentiation is a significant part of everyday teaching and many times we are not able to complete everything we have planned each week due to unforeseen circumstances. It would take an immense amount of time to write out individual plans for students and it would be a disservice to the students to do everything we have planned no matter what just because we sent that information home.

As educators, we always have our student’s best interest at heart, and we should be trusted to do so. There should be autonomy within in our classrooms and schools, especially since teachers are already accountable to a principal, superintendent, and school board. I worry that with the extra workload of sending home lesson plans for students, while already being short on time during the day, we are going to continue to push teachers out of education.

I urge you to vote in opposition of SB2260 for the good of our students, teachers, and all educators.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Lauren Bennett". The signature is written in black ink and is positioned above the printed name.

Lauren Bennett

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369
Milnor, North Dakota 58060-0369
Phone: 701-427-5237 | Fax: 701-427-5304
www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director
Ryan Weber, High School Principal
Theresa Wittich, Elementary Principal

To: North Dakota House
Human Services Committee

From: Dr. Chris Larson
Superintendent
Milnor Public School

Date: Tuesday, March 21, 2023

Topic: SB 2260

Chairman Weisz and members of the House Human Services Committee,

As a school leader, I am in opposition of SB 2260. There are several areas in which 2260 would be doing schools, families, and communities a disservice. In many ways, schools already have policies and procedures in place to deal with much of the content within 2260 and the wording within 2260 creates larger and unnecessary burdens on school districts.

One major concern that I have is in the area of security. 2260 would require all families/parents to “opt in” if we are to continue to use security cameras. 2260 makes an exception for buildings and grounds, but not buses. Milnor, along with many schools in ND, have cameras on all of our buses. Our bus cameras have helped us correct many behavior issues on buses before they become widespread problems. I do not believe that 100% of families would opt in, and we would lose a valuable tool to educate and protect students and staff. A vast majority of public schools in North Dakota are members of the North Dakota School Board Association. NDSBA has policies available for recording in schools: [ACDB](#) and on buses: [ACDBA](#)

Much of the content within 2260 deals with curriculum and parent consent and involvement. To be accredited through Cognia, schools need to have a policy that addresses this issue. I’ll link my policy for your reference: [GACC](#). If the issue to be addressed is the timing of a parent to object to a lesson and uploading 7 days prior- 2260 does a poor job. Having teachers legally bound to their lesson plans does a complete disservice to the profession. As a former high school social studies teacher, I’m not at all ashamed to admit that most of my best class periods were driven by the questions my students asked and guiding discussions in my classroom. The potential to be sued if it took me four days to teach the bill of rights vs. the two days I’d originally planned, is ludicrous. Accommodating to the needs of your students and adjusting your teaching plan to be effective during the course of a lesson, unit, and class period are traits of great teaching- not something to be punishable by law.

Further, 2260 tip toes into areas that have no need for legislation. What is the intent of getting written permission to refer to a student by name? My legal name is Christopher. I never go by Christopher. The only thing that says Christopher are my drivers license and my diplomas. My teaching license (granted

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369

Milnor, North Dakota 58060-0369

Phone: 701-427-5237 | Fax: 701-427-5304

www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

by ESPB) says Chris. It is apparent that this legislation is aimed to stop Sally from being called Bob. The federal courts have several rulings on this matter that would place North Dakota in severe jeopardy of a litigation. That said, I am supportive of schools working with parents and families on this issue. I would encourage some thought on the line between what is logical and prudent and what is made legally enforceable.

Page 2, line 30 establishes that students can be excused from school attendance for religious purposes. What regions? Who get's to decide what religions "count" and what purposes are applicable? For many parents- attending the state basketball tournament could be religious. Maybe a ski trip? A trip to worship my families new gods- Mickey Mouse and friends at Disney World. This may lead us back to page 2, line 7- the moral and religious training of the child should be reserved as rights (I'd say responsibilities) of parents. I agree with this statement. I do not agree that all parents have the same, or even adequate, moral compass or that what is being taught, or not taught, at home is good enough right now.

A short google search shows that this legislation is not a local solution to a North Dakota problem. It is legislation that is working its way across the nation as another battleground in the ongoing war against public education. North Dakota schools are good. North Dakota teachers are great. We have no need to codify legislation to hamper the work of the great teachers and administrators in our state. They're already doing the work. We need to find ways to support our educators and allow them to do the work. 2260 does not accomplish that mission.

Finally, 2260 appears to only impact public schools. There is other legislation pending that would allocate tax dollars to non-public schools. If these become law, I would urge that the language and stipulations stemming from 2260 apply to all schools- not just public schools.

I urge a "do not pass" recommendation on SB 2260.

Sincerely,

Dr. Chris Larson
Superintendent
Milnor Public School

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in opposition to Senate Bill 2260. I ask that you give this bill a **Do Not Pass**

I am currently a middle school teacher, with 8 years of teaching experience. I have been in the classroom and active in learning communities. Within these learning communities a hot word in education has been differentiation. With that word comes my objection to this bill. How do we allow teachers to differentiate with the rights of this bill? With differentiation comes flexibility to meet students where they are at and teach to their needs, whether that is on the lesson plan or not. We know as educators this is best practice. This bill would take away from that. Expecting a professional to show you exactly what they are going to teach would be near impossible, as sometimes questions arise that need to be answered for better understanding. Also, many teachers have a syllabus available and teach to the standards already set by the state of North Dakota.

Thank you for your time, consideration, and service to our state.

Best regards,
-Sabrina Yoney

To Whom It May Concern,

SB 2260 is not practical at all. As a teacher, so many things change from day to day. If we are required to have lessons planned out a week in advance, posted, and stick to it, that would not be realistic. There are times when many students are absent, meaning I have to change my plans for the day. There are also times when I have to reteach a lesson because a majority of students didn't understand it, or even teach it over multiple days. The purpose of teaching is to make sure students get the best education possible throughout the school year. To accomplish this, teachers need flexibility. This bill takes away the flexibility.

Sincerely,

Sasha Peck

6th Grade ELA Teacher

Fully Accredited School

Napoleon Public School District #002

Logan County
615 3rd Street East
PO Box 69

Napoleon, North Dakota 58561
Telephone 701-754-2244 Fax 701-754-2233

Superintendent

Richard Bjerklie

Principal 7-12

Chad Berger

Elementary Principal

Whitney Weigel

Business Manager

Brandi Wald

School Board

Crystal Johnson, President

Jeff Schneider, Vice-
President

Taylor Grunefelder

Tori Gross

Shawn Puklich

March 21, 2023

Dear 68th North Dakota Legislative Assembly,

I am writing this letter in regards to SB 2260 by stating that I am adamantly opposed. As the secondary principal at Napoleon Public School, SB 2260 would do a disservice to our school district. Your vote for SB 2260 should be a NO vote to do what is best for our students and our communities.

As a building principal and former classroom teacher, I oppose this bill for multiple reasons. Each and every parent/guardian in our school district has the opportunity to come in and visit with us about the curriculum each classroom teacher is using on a daily basis. Each and every parent/guardian can ask for a teacher's lesson plans and have a conversation with teachers, administrators, and board members about what is being taught in our buildings. Why do we need legislation for something that our patrons are already allowed to do if they so choose?

Putting an unfair expectation on our teaching staff is only going to make it harder to fill teaching positions in the future. Teachers can have a plan for what they are going to teach during a semester or a school year. I have my staff map out what they want and need to accomplish each year using the state standards. There is no way they are going to be able to predict exactly what will be taught 7 days from now. The way this legislation is interpreted would not allow teachers to go back to reteach material because it would not be posted for 7 days before the lesson. Please let administrators and teachers who know our buildings run our buildings. This is a gross overstep of power and it feels again like we are being micromanaged every time we turn around in education.

Section 1 of this bill would go against all of the safety precautions and legislation that has been proposed in this legislative assembly. We should have cameras for safety but cannot use the footage without parental consent. Again, please let us control our buildings at the local level and support us, not limit us.

Our teachers work hard to provide a quality education for each and every student they have contact with on a daily basis. Please do not take away the opportunity to use a teachable moment because it was not posted 7 days before. Education is not a cookie cutter operation where our teachers use a script and go through the motions. They are professionals doing a job that changes by the day, hour, and minute. As a teacher I added curriculum in the middle of a semester because it was a great addition or may even have been necessary to create better understanding. Do not take this option away from my staff or any other teachers.

Sincerely,

Chad Berger
Secondary Principal
Athletic Director

I am kindergarten teacher in Scranton, North Dakota. I am 100% against bill SB 2260. I went back to school later in life to get my dream degree in teaching. I started school with two young kids and home and finished with three kids. I spent countless sleepless nights doing homework to earn my degree. I DO NOT think it is even a little bit okay for parents to tell me what they think is right for me to teach their students via the standards when they did not attend college for this. Standards are gibberish to them. I have parents tell me all the time; I don't know how you do it. So what I get out of that statement, is they have NO desire to be a classroom teacher, therefore, they did not go to school for that. Our parents know that if they have an issue or questing anything we do in our rooms/school, they can come in and talk to us about it. Sure, we have our general idea of what we are going to teach week-to-week, but we adapt our lessons to where our students are at any given moment during the day. The goal as educators is to meet our students where THEY are and get them to where THEY should/can be in the amount of time we have them. Please don't put extra pressure on us as educators to provide parents our lesson plans? That makes absolutely no sense. If you thought we had a teacher shortage before, pass this bill and it will get worse.



Rachelle Bergstrom
Kindergarten Teacher
Scranton Public School

I am writing this testimony in opposition to Senate Bill 2260. I am a Special Education teacher and have spent many years in this profession. As an education professional, I have never felt so degraded and underappreciated as I do right now. And trust me, this profession is always under scrutiny. Every educator I know went into this profession because of their love for kids and wanting to make a difference. We put in way more hours than what we get paid for, we spend our own money on supplies that our students need, we get cussed at, hit, and disrespected by students, parents, and our own government. Add this list of stressors to the workload that is our job, and you can see why this country is struggling with teacher retention. Instead of having a government that supports its teachers, you are now coming in with this Senate Bill that will add even more to our workload.

Parents have every right to be a part of their child's education, but they also need to put forth the effort to do this. This information has always been available for parents, they just need to be involved. Parents need to be a part of School Board meetings, PAC meetings, talking to your child's teacher, and even talking to your child. As a teacher, we are working to educate our students. By adding this extra step into our already busy workload, it will be taking away from our students. If this bill passes, North Dakota should be prepared for an even bigger teacher shortage. Enough is enough; it is time to start showing some respect for those people that educate our children.

Tonya Bishop



Mott-Regent Public School

Every Student. Every Moment. Every Day.

205 Dakota Avenue
Mott, North Dakota 58646
Phone: (701) 824-2795
Fax: (701) 824-4558

March 21, 2023

Dear House Human Services Committee,

The Mott-Regent Public School District **is not** in favor of SB 2260, and we ask that you do not pass this bill.

In a time when school districts have few, if any, candidates applying for teaching jobs, a bill that will add more work to our already overworked teachers is being considered. I ask you, and those in support of this bill, do you hate teachers? Do you really want more teachers to be hired from overseas or classes not offered due to a lack of qualified personnel? Passing this bill would send that message to all public-school employees. Passage of this bill will further inflame culture wars, paint public schools as incapable, teachers as the enemy, and create further trust issues between parents, students, and teachers.

Please do not pass SB 2260. It will harm schools, teachers, and students. Thank you for your consideration and time.

Sincerely,

Zachary Slayton
Superintendent
Mott-Regent Public School District

Administration

Zachary Slayton
Superintendent (701) 824-2795
Deborah Bohn
Elementary Principal (701) 824-2247
Bridget Greff
Secondary Principal (701)824-2795

School Board Members

Lucas Greff, President
Garret Swindler, Vice-President
Nathan Huether
Tracy Kruger
Nathan Thomas
Julie Miller
Melissa Carlson

I strongly oppose SB 2260. This will put way more work on teachers and not give them any creative freedom in how to teach the materials that are provided. This will also not allow for reteaching and giving more time to work on things that are a challenge. Some students will need more time to practice certain skills and you may not know this until you have initially taught a skill. This would not allow for this as you would have to stay with the plan and then you are leaving those students behind that did not understand or needed more practice time.

Please vote no on this bill

Jessica Koffler

I am testifying against SB 2260. I think it is particularly disturbing that parents will have to give permission for a school to view a student on their surveillance system. This essentially would mean that schools could not have surveillance systems at all. I have seen countless examples of students lying about particular disciplinary situations and for administration having to use the surveillance system to prove their side of the story to the student or parents involved.

I am also disturbed by the language that requires parental approval to teach certain curriculum. This seems rather pointless as the state standards are already clearly laid out. If the issue is with the content being taught I believe the standards should be reviewed. Please do not put the burden on the schools.

In several parts of the bill the bill requires teachers to produce various documents including lesson plans to parents if requested. As a teacher I could not imagine adding this burden. Often teachers are constantly changing and replanning to meet the needs of their students. This would only make a difficult job even more difficult. With a teacher shortage in the state and around the nation this would send a terrible message to anyone thinking about going into teaching.

Thanks for considering my testimony.

Cale Peterson

A Teacher at Wahpeton Public Schools

March 21, 2023

Dear Senator,

This letter is regarding, SB 2260. Section 1: If we are considering prohibiting schools from using surveillance in this day and age it is potentially putting children and staff members in danger. Bullying and school shootings are happening. Children are being murdered. Teachers are being murdered. Behavior of children is getting increasingly more difficult. Home lives of children are not what they were 20 years ago. The parents who refuse surveillance are the ones who have children that are offenders.

Section 2: As a veteran teacher with 10 years left until retirement, I feel that section 2 is absurd. With our current time constraints and demands, it would be nearly impossible to provide what this bill is asking. There would be literally no flexibility in the lessons we are planning. This is unrealistic. I will more than likely be looking for another profession. Teachers will be quitting and those thinking about teaching will be discouraged into seeking it as a career.

Remember, we are PUBLIC school teachers. If parents do not like what we do, then they have the option of PRIVATE schools or home schooling.

One last question, "If private schools should get state funding will they have to follow the same rules?"

If you would like to call me for more information my number is 701-400-5449.

Thank you for your time.

Sincerely,

Angela Kuntz

1st grade teacher

Anamoose Public School

Public School District No. 14 - McHenry County
706 3rd St. West

Anamoose, North Dakota 58710-4109
Telephone 701-465-3258 FAX: 701-465-3259

Every Child – Every Chance – Every Day

March 21, 2023

SB2260

Human Services Committee

I am writing on behalf of the Anamoose and Drake school districts. I urge you to give a DO NOT PASS recommendation on SB2260. This bill will overly tax our teachers who are already highly stressed from dealing with other mandates, such as the Science of Reading initiative & new curriculum training to name a couple. We have witnessed our teachers leaving the profession due to the stressors of the job and I worry that this bill will only exacerbate the problem of encouraging teachers to find less stressful jobs. This is in an environment of what is already a severe teacher shortage situation. We need to do what we can to make this career more appealing, not less.

Thank you for time and consideration in this matter.

Steven Heim
Superintendent Anamoose Public School
Superintendent Drake Public School

Hello. I am a third grade teacher. I have been teaching for over 22 years. Bill SB2260 is offensive to all educators. Our job is already very difficult. It would add to our already full plates if we have to cater to parents with our lesson plans and materials. As professional teachers we already are busy with children. We have a right to make decisions that would help our children learn. We should not have to justify the materials that we use. That is why we went to college to become teachers. If we have to show our lesson plans to parents and show all materials that we use for teaching it would take our time away from our children that we are teaching. Some of my best lessons are taught through teachable moments. This bill would limit me as a teacher. As a teacher I already spend hours of time unpaid. Please do not allow this bill to pass. It will hurt teachers and ultimately our children.

Sara Nelson
Sara.nelson@k12.nd.us
Prairie View Elementary
Kindergarten Teacher

Jamie Deutsch
Jamie.deutsch@k12.nd.us
Prairie View Elementary
Kindergarten Teacher

Re: SB2260

To Whom It May Concern:

We are writing in opposition to SB2260. As educators, we went through a lot of education to become teachers, and we are continually going to trainings and taking classes to stay educated and improve our teaching every year. With the way teaching is now, teachers already have so much on their plates. Adding something that very few people will even look at does not make sense. We are already going through a teacher shortage, and it is hard to find high quality educators and substitute teachers as it is in North Dakota. We fear that if this bill were to pass that many good teachers would leave the profession because of an extra "thing" added. We also think it will discourage individuals who are thinking about having a career in teaching, as well.

Teachers are professionals just like many other occupations. They should be trusted to do their jobs to the best of their knowledge. Our administration holds us accountable with our lesson plans and ND standards. If a parent were to ask (which has never happened in our combined 25 years of teaching), they would be welcome to see our lesson plans/curriculum. If parents have concerns about the teaching material/curriculum, they are always welcome to contact the school or individual teacher. Also, at times not every lesson is able to get done as planned each week because of interruptions with weather, kids needing more time with the standard/lesson, and/or other short notice activities. As parents, as well as educators, we feel we should be spending more time on the education of our children and less time on this busy work. The extra time needed to accommodate this proposed bill should be used to differentiate for students that are struggling or above average. We already have a principal and a superintendent holding us accountable for following the standards by making yearly plans, turning in weekly lessons plans, making curriculum maps in all areas of learning to follow, as well as having PLCs and MTSS meetings to help us make sure we are meeting all the students' needs to the best of our abilities.

We strongly encourage you to oppose SB2260.

Thank you for your time,




Sara Nelson and Jamie Deutsch

LaMoure Public School

HIGH SCHOOL PRINCIPAL

Lucas Isaacson

ELEMENTARY PRINCIPAL

Laura Shockman

Business Manager

Sheila Bierman

MITCH CARLSON – Superintendent

105 – 6th Avenue SE

P.O. Box 656

LAMOURE, NORTH DAKOTA 58458

Email: Mitch.Carlson@k12.nd.us

Phone 701-883-5396; Fax: 701-883-5144

Board of Education

Holly Braun, President

Alana Lacina, Vice President

Jodi Laney

Jessica Duffy

Dominic Hanson

March 21st, 2022

SB 2260

RE - No Vote

Parents Bill of Rights title has merits but section 2, part 2 does not work well for schools.

Teachers do not have time to do all that is required in this section. It will come down to two choices.

1. Follow the code and have a mass exodus of teachers in the state, OR
2. Not follow this rule and see what the consequences are.

After reading the bill proposal, it is written that private schools do not have to follow this century code law as they are not a school district. I wonder why?

Mitch Carlson
LaMoure School

AN EQUAL OPPORTUNITY EMPLOYER

The LaMoure School District does not discriminate on the basis of race, national origin, sex, or handicap in its educational program, activities, and employment practices.



Ellendale Public School

321 N. 1st St, PO Box 400, Ellendale ND 58436
Ph. (701) 349-3232 - Fax (701) 349-3447
www.ellendale.k12.nd.us

Superintendent
Chip Sundberg

Business Manager
Lana Norton

H.S. Principal
Cindy Rall

Elem. Principal
Allison Radermacher

School Board: Pres. - Michele Thorpe, Vice Pres. - Kent Schimke, Director - Kristi Gilbert, Director - Cresta Miller, Director - Val Wagner

March 21, 2023

RE: SB 2260

Honorable Mike Brandenburg
Honorable Jim Grueneich

Dear District 28 Legislators:

I am writing on behalf of myself as I have been unable to visit with my School Board about SB 2260 bill. I think that they all would agree with me when I say that this is not a good bill for Ellendale Public School or for the rest of public schools in North Dakota. The very notion of the state legislature creating this mandate goes directly against the ideal of local control. And, here is a list of negative consequences to think about when it comes to this bad legislation.

- SB 2260, places an undo, and unnecessary burden on public school teachers and administrators to immediately respond to parent requests for information regardless of the breadth or timing of the request.
 - The bill requires administrators and teachers to provide parental access to each and every instructional material or resource to be used in the classroom at least 7 days prior to the start of the class.
 - The bill requires teachers regardless of grade level or subject area to create a syllabus that must include all topics and subjects to be taught, a list of all curriculum and materials to be used, and all educational activities that are part of the class.
 - This will require teachers to plan out the entire semester and/or school year.
 - The bill also requires teachers to permit a parent to review, copy AND record all class materials at least 3 days before use in the class. It is unclear from the bill exactly what "record" means.
 - Parents already have access to curriculum, as well as instructional and resource materials used by teachers under existing law and board policies.
 - This bill will allow parents to disrupt the school operations by submitting burdensome requests to the school which must be responded to within a very short amount of time.
 - The bill would place the burden on school districts to adopt procedures to inform parents of their rights relative to their own child.
- SB 2260 provides parents with the right to sue the school district if a teacher or administrator fails to comply with these burdensome requirements and parents would be able to recover their costs and attorney's fees.

AN EQUAL OPPORTUNITY EMPLOYER

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Ellendale Public School

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- This will encourage increased litigation against school districts funded by taxpayer dollars and will negatively impact public school budgets and the provision of quality education in North Dakota.
- SB 2260 will make it more difficult for schools to report suspected child abuse or neglect on the part of the child's parent.

Some in the South Dakota legislature tried to pass similar legislation there last year, and thankfully the South Dakota Senate Education committee killed that bill. I really think that this bill will drive teachers out of North Dakota because of the extra burdens that this will create. I am not sure if you are aware, that many of North Dakota's schools are already having a difficult time finding quality teachers. I believe you will lose teachers and administrators if this bill is passed.

Please do not support this bill, and encourage others to do the same. If you have any questions at all, please reach out to me. The number to school is 701 349-3232.

Yours in Education,

Chip Sundberg, Superintendent
Ellendale Public School

AN EQUAL OPPORTUNITY EMPLOYER

The Ellendale School District does not discriminate on the basis of race, national origin, sex, or handicap in its educational program, activities, and employment practices.

To whom it may concern:

I am writing to plead to you NOT TO PASS Senate Bill 2260. It is detrimental to the public education system in the following ways:

1. Prohibiting schools from implementing safety surveillance upon parental request extinguishes one of the best tools SROs use keep our schools safe. I work in a relatively small school district, and I could name many times I've utilized our surveillance system with the help of our SRO to solve issues. I would list a few for you but I have more concerns to address in this email before the deadline.
2. If teachers are required to submit lesson plans and every bit of curriculum and instructional material, I would lose some real teachable moments in my lessons. If students have questions I don't know the answer to, I often model rational adult behavior: "I don't know the answer to that; let's look it up!" Together, we search for reliable sources and seek out the answer to the question. If I understand this bill correctly, these beautiful teachable moments would open me up to litigious actions from my state or parents. These joyful inquiries are one of the many reasons I so enjoy teaching. Beyond the unreasonable assertion that teachers have time in their days to procure their lesson plans 7 days in advance, I am deeply saddened and concerned to see them legislated.
3. As a Pride Club advisor, I see great harm in Section 2.2.f requiring parental consent for children to be referred to as their preferred pronouns/names. Many LGBTQ kids do not have a safe and understanding adult at home who will make such a referral. This seems to legislate bullying from adults to LGBTQ students who already receive more bullying than non-queer students. LGBTQ youth are four times as likely to attempt suicide than their peers; suicide already being the leading cause of death for young people aged 10-24 (The Trevor Project). Misgendering transgender students or calling LGBTQ students by their dead names reduces their risk of suicidality by half (Journal of Adolescent Health).

I am an elementary librarian at Central Cass Public Schools. I have taught in Minnesota, and I can say I have greatly appreciated the support and trust that North Dakota gives its public educators. It is extremely disappointing to see our tax dollars being spent on micromanaging professional educators' classrooms. Comparatively, Minnesota just affirmed free lunch for all Minnesota students.

As a mom with kids entering the public school system next year, please start listening to educators. The teacher shortage is a CRISIS to which our state is not immune. I worry about the quality and integrity of teachers would remain in the field if this disparaging bill managed to pass.

Jenna Akers, B.S. VCSU; M.S. NDSU
Elementary School Librarian
Central Cass Public Schools

My opposition to SB 2260 comes from 28 plus years in the field of public education. Teachers spend many more than their contracted hours in order to provide quality real life experiences and content for their students all while focusing on the state standards we are required to teach. Often these opportunistic lessons are about real world issues, newsworthy events and natural phenomenon happening in the world at the time. If educators had to record and document each lesson seven days in advance, it would prevent the timely and important events such as the Trade Tower destruction or Haiti hurricane disasters from being addressed in classes. Educators are doing their best to make education relevant for their students in a quickly changing world. This policy would greatly reduce our ability to hold student interest and buy in and cripple our effectiveness. Please oppose this damaging bill.

Thank you for the important (and timely) work that you all do.

Sincerely,

Sara Forness,

K-12 STEM Coordinator

Central Cass School District 17

FTC Robotics and Envirothon Coach

Sara.Forness@k12.nd.us

1-701-388-4577

I am a Third Grade teacher and I am spread so thin as it is. There is so much that goes into teaching. Planning, teaching, dealing with behaviors, sending messages to parents, going to meetings. There is no room for more requirements from teachers. There is a huge teacher shortage right now and this will make it so much worse. If this bill passes I am not sure I will continue teaching. I know it is important for parents to be involved, but giving teachers so much extra work is not the way. Parents can ask for information if they would like it, but requiring we have our plans and curriculum 7 days before is not feasible. Things change so quickly in a classroom and so many resources are used to differentiate for each child. If something isn't working we change it up in that moment. This would make teachers feel as if they are not trusted and even more micromanaged than ever.

Dear Legislators,

My name is CaraLee Heiser and I am a secondary science teacher at Dickinson High School in Dickinson, North Dakota. I currently teach Forensic Science, Chemistry and Advanced Placement Chemistry to sophomores, juniors and seniors. I have a total of 25 years of teaching experience.

I am writing in opposition of SB2260. As I see it, this bill sets teachers up for failure. Let me explain. Each week I set aside time out of my day to plan lessons for each of the classes I teach at Dickinson High School. I identify learning targets, plan activities & lab experiments centered around the learning targets, and then plan for assessment of student learning. Sometimes my plans go off without a hitch, but often times what happens is... "life". By "life", I mean that kids may be absent due to illness/activities/vacations and need additional time for learning. I may also have some, or many, students that struggle with the content we are learning. When any of these things happen, I need to be able to adjust and modify my learning targets (a.k.a. my lesson plan) to meet the needs of my students. Because I have many years of experience, I can adjust and modify my lesson plans quickly and without many students even noticing. I do all of this to reach all students where they are.

If you intend for me to post my lesson plans 7 days ahead of time, and follow them to a "T", then that doesn't allow me for much adaptation for students when they learn material quickly and are able to advance and learn more than I've planned in my lessons. You also aren't allowing me to change and adapt when students don't get it and need additional instruction and practice before an assessment is given.

My initial thoughts when learning about this bill is that 1. The writer of this bill doesn't understand the ramifications of what is included and 2. Whomever has written this bill doesn't really understand what goes into the thought process or planning of lessons done by teachers all over this state and country. Either way, I am disheartened that this bill should take time out of your already busy schedules.

Please vote no on SB2260. It's what makes sense to educators who are keeping the best interests of their students at the forefront of their instructional planning.

Sincerely,

CaraLee Heiser

To Whom It May Concern,

This bill is upsetting as a teacher and as a parent. As a school system, we work diligently to use quality materials, and provide high quality instruction. We plan daily and weekly, and there are countless hours that go into planning. Part of teaching, is realizing when students are not understanding something, and needing to revisit that topic or dig deeper. With this bill, that would not happen. We would need to keep on pace according to what our entire semester or year is planning. This would be taking huge steps back in education. Let's look at the two scenarios that could occur:

Classroom 1: You look in the 1st grade classroom and see students engaged. They are working on sounding out words and are a few lessons behind the other 1st grade classroom, but students are READING. Yes, they are READING. Reading words and sentences. They have a deeper understanding of how to use the sounds and how their brains work to create these pathways.

Now, let's look at the other 1st grade classroom. This classroom has submitted plans for the entire semester or year.

Classroom 2: As you look in on the 1st grade classroom, students are upset, some may be under their desks (that's how many children cope with difficult situations). The teacher is teaching, to the high flyer students that are listening. The teacher is worried, she needs to get through this lesson, because tomorrow they start on a whole new concept. It doesn't matter that only a handful of students understand what she is teaching, because she MUST continue with her plans. She keeps on track with what she submitted. Never mind assessing students, it doesn't actually matter because she will need to continue with the next lesson tomorrow, whether they understand it or not.

Now legislators, look at your own children. Which classroom do you want your son or daughter in? Your grandchild? Do you want to see your child flourish? Classroom #1 was able to teach to a deeper level. Classroom #2 stuck with the track they were put on, but only a few students are going to be able to learn. And guess what – those students would likely pick up the information through exposure. It's the student under the desk that needs a teacher to slow down. He/She needs to feel like they are valued and learning. Teachers are accountable to teach students. Sometimes, we need to slow down the pace or pick up the pace. Sometimes, a class needs to revisit a lesson because they didn't gain a deep understanding.

Now, let's also look at test scores. Which classroom scenario is going to have better scores? I can see how having a plan is important – I definitely agree. However, this bill would create a poor classroom learning environment.

We currently have a teacher shortage – which teacher is going to stick with teaching longer? The classroom who is given the autonomy to create her own lesson, make them engaging, and revisit when students need to hear a lesson again; or the teacher who is pushed. Pushed to stick with a timeline they set at the beginning of the year and must stick to. I have no problem allowing parents into my classroom, I believe in what I am doing. However, allowing parents to delegate what/how I am teaching is inappropriate.

As a parent and teacher, I love what I do. But this bill will make me reconsider my career path, as well as if it is the best place for my own 4 children.

Overall, please understand how this bill will have more negative than positive effects. Let's shut this bill down. Think of your children or grandchildren – what do you want their future or current classrooms to look like?

Joni Lematta

Ellendale Public School

1st Grade Teacher

Dear Chairperson Larson and members of the Senate Judiciary Committee,

My name is Melissa LeClerc. I am a Pre-K-2nd grade instructional coach at Grafton Public Schools. As a professional in the education field who works closely with our teachers on a daily basis, I am asking for you to vote NO on SB 2260 in both the committee and on the floor. Our teachers are already inundated with so many requirements to do their job and this will be one more task added to their already full plate. I'm not sure how many of you spend any time in a school system, but I encourage you to do so and see what our teachers deal with on a daily basis. The school initiatives we already have in place, plus new ones that are placed upon us by state legislation or mandates, already require us to go above and beyond, and now passing this would make our jobs harder to do. We are currently working on posting (to our school website) proficiency scales and priority standards that our teachers have spent hours on in order to ensure our students are meeting educational goals and learning what they need to know. By posting online our parents would be able to see what their students are required to learn at their grade levels (just one of our school's initiatives that teachers have embraced, but has taken a lot of extra unpaid personal time away from them). We maintain clear and open lines of communication with our parents and this mandate would be something that would make our jobs harder to do on a daily basis.

In addition to the workload, there is a teacher shortage and many veteran teachers leaving the profession because of the added work put on a teacher. Teaching isn't just about teaching anymore, it's about creating a safe environment for our students and making sure our students are safe and feel safe, it's about managing not only behaviors (behaviors that I would never have believed they have to deal with had I not seen it with my own eyes or had to try and manage myself), but trying to raise student scores so we aren't put on a plan of improvement. Teachers have to wear many different hats, they are social workers, therapists, teachers, nurses, secretaries, and mediators, just to name a few. They are exhausted and just want to teach our students. You would be amazed at what a day looks like when students are acting out, melting down, trashing classrooms to the point other where teachers have to get the other students out of the room so they aren't harmed. Adding extra mandates for our teachers is only going to upset our teachers who already go above and beyond for our students. We have already had to hire "online" educators for the current school year because we couldn't find teachers for our district and this isn't going to help schools keep great teachers or veteran teachers around when they are having to be micromanaged by state mandates. Please help be a part of making our jobs better, not push teachers away from the profession because we need them.

Thank you,

Melissa LeClerc

To whom it may concern,

My name is Dylan Steffen, and I am a teacher at Dickinson Middle School in Dickinson, North Dakota. I recently read bill SB 2260, and I have many concerns about the bill and how it would impact my ability to make the best professional decisions possible for my students and their learning.

I am a STEM teacher. Therefore, it is my job to teach students how to use technology and how to use the engineering design process to solve problems. I have overall goals for students that I would like for them to achieve by the end of each semester, but the most important thing is that they learn critical thinking, communication, collaboration, and creativity.

I also have the amazing opportunity to teach my students how to use some fantastic technologies: 3D printers, LASER engravers, heavy shop tools, drones, etc. While we are using those technologies, we might need to change course at the drop of a hat due to many different factors: weather, repairs for the technology, or possible student absences.

Lesson plans being posted seven days in advance of any lesson is not feasible. Those lesson plans will have changed many times by the time the lesson actually takes place. The reasons for these changes are myriad. The instances I mentioned above, for example. I might have a lesson planned to teach students how to use a 3D printer in one week, but then the 3D printer isn't working that day so we have to pivot and do something else. Even more importantly, lessons change on a weekly, daily, or sometimes even hourly basis to best meet the needs of students. If a student is having trouble with a lesson, the next day or even later that class period, it is best practice for teachers to shift how they are teaching or change the lesson to best accommodate that student's needs so they can learn.

At Dickinson Middle School, we believe that all students can learn. A bill like SB2260 will make it nearly impossible for all students to learn because of the rigid requirements that will be placed on teachers. Those rigid requirements will be passed on to students because they will not be able to learn in the best way for them because teachers will not be allowed to change their lessons.

The most important reasons this bill is detrimental are because of the negative effects it will have on student learning and achievement. However, the negative effects this bill will impact teachers negatively. The teaching profession is already experiencing a mass exodus. Teachers are in short supply, and teachers

that remain in their positions are overworked. Teachers are already teaching classes with more students than they can handle with very little support. Paraprofessionals are leaving at unprecedented levels, which leaves teachers entirely on their own in classrooms with ever increasing student numbers. Asking teachers to post their lesson plans weeks in advance is yet another thing that will be expected of teachers, another thing on their plate that they do not have time to accomplish. As teachers, our job is to build relationships with kids so that they can learn to be good citizens and functioning members of society. Every single thing that takes time away from those efforts is detrimental to our kids and to our society as a whole.

Thank you for your time,

Dylan Steffen

House Human Services Committee

Good morning,

I would like to take this moment to share my **opposition to SB 2260**.

I am both a high school social studies teacher and a mother to 3 young boys. While I certainly agree that parents have rights when it comes to raising their children, I also believe that teachers have a job to do when it comes to teaching our children and if this bill were to pass it would most certainly hinder that process.

Teachers are overwhelmed and adding this much additional strain and workload will break many. **We will have a teacher shortage crisis** on our hands that is even worse than what we already have.

Teachers are professionals and should be trusted to do their jobs. If there is a problem with a specific lesson or teacher that should be **addressed individually** rather than with blanket legislation like this.

Throughout our lives we are going to be confronted with information that we may not agree with or may not even feel comfortable with, but knowing how to handle that is an important life skill. If parents are worried about topics being discussed and taught in classes, they need to talk to their children and share their beliefs and values concerning those topics rather than preventing them from hearing another viewpoint.

Worry more about what kids are watching, listening to, and learning online than what they are learning in my classroom---I guarantee there is no comparison.

Sincerely,

Katy Drader

Testimony
Senate Bill 2260
3/22/2023 – 9:30 am – Pioneer Room
House Human Services Committee
By Dr. Frank Schill
Superintendent of Edmore Public School

Members of the Senate Education Committee:

I am Frank Schill, Superintendent of Edmore Public School. I am here to testify in opposition of SB 2260 creating a chapter in North Dakota Century Code relating to fundamental parent rights, parental involvement in education, and parental right to consent to medical treatment of a parent's child.

As a lifelong resident of North Dakota, and conservative individual who attended private school in elementary school and send my son to a private school in K-8th grade I believe that parents are the primary educators of their child.

I also strongly believe in local control regarding public institutions. State legislative involvement regarding local institutions, even if the local institution receives State tax dollars should be minimal. As I have read SB 2260 I see this as clearly a local decision to be made by the locally elected school board who have been elected by their citizens.

Passing of SB 2260 is in my professional opinion and my opinion as a lifelong resident of North Dakota is a clear overreach by our state legislators.

I urge you to vote "No" on HB 2260.

Respectfully submitted

Dr. Frank Schill

Manvel Public School

Inspiring 21st Century Learners to Influence 22nd Century Successes



March 21, 2023

Good morning Chairman Weisz and members of the committee,

My name is Dr. Dave Wheeler and I am the Superintendent for Manvel Public School. This testimony is in opposition to SB 2260. While much of what is expected in this bill is already being done and, therefore, has no reason to be written in this legislation, my opposition lies in a few factors that are currently in Section 1 and Section 2 of this bill.

In Section 1, SB 2260 mandates that districts get consent in writing prior to making a video or a voice recording of a child. Let me share a few examples of where this becomes a logistical nightmare for schools;

- 1) Every athletic team that I know of in the state of North Dakota tapes their games and some tape practices so that teaching can be done through the use of these videos. If one child on that team has a parent that will not let their child be videoed, does the coaching staff and all the other players then not get the benefit of learning from this strategy that is common practice in almost 100% of the school districts in North Dakota? That cannot be seen as fair to the coaches or the rest of the team.
- 2) When I was a high school principal, I had a speech teacher that would videotape her students for various speeches throughout the semester and then share them with the students as a way of guiding her practice with the students so that they would become better speakers by seeing their errors. While the tapes were never shared outside the room, this was a powerful way for students to assess themselves and become more accomplished in public speaking. Is this no longer acceptable for one student but acceptable for the other 10-15 students in a class? Does this strategy for helping students learn now get eliminated from a teacher's toolkit?
- 3) As an elementary principal in a small community, we would regularly video and livestream elementary concerts and programs so that parents and grandparents who could not attend had an opportunity to watch the program, either in real time or later at a better time. Again, we could potentially let 1 parent/family deny everyone else who wants to witness this event from having that opportunity. As a grandfather of 2 elementary children who live in Texas, I would be disappointed if one parent in that Texas school district would prohibit a grandfather or grandmother living in North Dakota from seeing that experience the only way they can.
- 4) The expectation that a teacher "Review, copy, and record" all curriculum for each class or course offered by the school and any teacher training materials at least 3 days before use

of the material is absolutely a bridge too far. Teachers currently using the best practices in education are not making lessons out 3 days in advance because they do not know where each child will be with their learning that far in advance. More and more we are seeing teachers assess their students daily to understand what the child's strengths are and also their weaknesses'. This philosophy allows for lessons to be made each day and then makes the instruction more relevant to each student. Small group instruction and individual instruction are the norm in 2023 more than ever and this idea that a parent gets to review the curriculum/lesson 72 hours in advance can't be guaranteed. As a current school leader, I would be disappointed to have a teacher with lesson plans or curriculum ready to teach on Thursday when it is Monday on the calendar.

There is also a requirement that each parent gets to review "Teacher Training Materials?" Am I to believe this to be the material we use in our professional development time with our staff? As an example, this year the Department of Public Instruction (DPI) mandated all teachers in grades K-3 begin to become proficient in the "Science of Reading" philosophy as a means of improving the reading scores statewide. Our REA and our district used LETRS as the curriculum to train our staff, PK-5 and special education. We will spend 18-21 hours this year with that curriculum. If one parent in my district disagreed with LETRS, would we have been required to abandon the training that was mandated to use by DPI? Would it require more parents than 1, how many? Would our district then have to find a Science of Reading curriculum that made that one parent happy, but what if another parent disagreed? Do you see the insanity that potentially comes to public education with these parameters being established in schools? We are working in a time where teachers are in very short supply. They have never been paid enough, they have always been criticized for "only working 9 months" and now, we will decide to let the community dictate; a) what is being taught, b) when it's being taught, and c) what resources we are allowed to use to teach our content? Does this type of legislation honestly make it more likely for us to bring young people to the profession? Does it make it seem likely that we can keep the teachers we currently have in the profession?

It is obvious that many of our elected members of the House and Senate have decided that public education no longer serves a purpose to the children of this state. They believe that our content is being designed to destroy the moral and ethical values that this country holds to be true. I am here to tell all of you, as a person who has been in K-12 education since 1994, that nothing could be further from the truth. The people I have worked with and the people I currently work with come to their roles every day with a focus on teaching the standards they have been given and supporting every child with their academic and emotional well-being. Please, let schools do their job, let them follow the statutes currently in place, and teach to the best of our abilities for 171 to

175 days a year. Schools should be expected to acknowledge any concern a parent or group of parents may have in curriculum material and I believe that a large, large majority of school districts already do this. Policies have been written and they are in place for parents to address any concerns that potentially exist. Do not take this any farther than it needs to be taken, listen to the people who teach for a living and trust them when they tell you they are doing their job to the best of their abilities every single day. Keep some dignity in public education and vote, "NO" on SB 2260.

Dr. Dave Wheeler
Superintendent
Manvel Public School

Dear Chair Larsen and members of the Senate Industry and Business Committee, My testimony is in **opposition** to Senate Bill 2260. I ask that you give this bill a **Do Not Pass**.

My Name is Alicia Hutzenbiler I live at 698 8th ave w in Dickinson ND 58601. I am an educator and I am wondering if you want me to spend my time posting curriculum, resources, lesson plans, videos, and guest lecturers for parents OR teaching, intervening, and building relationships with kids? If we truly should be implementing RTI then lesson plans and resources may change daily even hourly, not yearly.

As a teacher more and more gets added onto our plate and we somehow get perceived as the enemy when the MAJORITY of teachers just want to help kids grow academically and be kind humans. If this bill is passed **all** of the teacher's time will be spent planning to show parents every little thing we are teaching the next week I would highly doubt any teacher has enough time to find and type up for parents everything we do that next week. As humans, we are supposed to be flexible we all know things happen and we may need to change something or we need to spend more time on a subject how am I supposed to adapt to the ever-changing needs of my students? If this bill passes I think parents will be even more upset as they will see a lot of teachers leave the profession and may not have quality teachers for their children or will have very large class sizes as they can't find anyone to fill positions.

Thank you for your consideration on this important issue and thank you for your service to the state of North Dakota.

Alicia Hutzenbiler

March 21, 2023

House Human Services Committee ~

Honorable Committee Members:

PLEASE VOTE NO on SB 2260

I ask you to please VOTE NO on SB 2260. Our public school, along with all in North Dakota, have always supported parental rights when it comes to the education of their children. We have also always encouraged more parental engagement in their children's education. However, SB 2260 places such burdens on our public school teachers and administrators to have to immediately respond to parent requests for information regardless of the scope or timing of the request. To require teachers and administrators to have parental access to each and every piece of curriculum and resources within 7 days of the start of class, to have a syllabus including all topics, subjects, materials and activities that will be used in the class made at the start of the class, having teachers plan out an entire semester or school year leaves no encouragement for spontaneous/new ideas on the part of the teacher throughout the year, and having parents being able to review, copy and record material 3 days prior to each class is a monumental burden to place on teachers and administrators that are already overworked and trying to do their best job possible to educate the children. I also feel that this bill will set up public schools for more litigation and costly expenses along with it that take away from our taxpayer's dollars, that will negatively impact the school's budgets, which ultimately negatively impacts the education given to our students. I worry as to the difficulty it will be for schools to report suspected child abuse or neglect if the person in question is a parent of the child. We have such a hard time retaining and hiring teachers and administrators now, I can only imagine how much more difficult it will be as more and more expectations are put on them. We see too many leaving the profession now as it is. So I ask you to please VOTE NO on SB 2260.

Thank you for time.

Collette Hertz,

Harvey Public School Board of Education Vice-President

March 21, 2023

Lea Doerr
Scranton Public School
1st and Fries
Scranton, ND 58653

House Human Services Committee:

In regards to SB 2260, I would like to share my opinion on why I feel this is a bill that should not be passed. This is a bill that has the potential to increase the teacher shortage that we already have in our state. I can see this bill, if passed, pushing many teachers to resign and find work elsewhere.

I feel that in our school, we make it a priority to involve our parents and community in what is being taught to our youth. We want our parents to be a part of our team and welcome them into our school at any moment. Parents already have access to curriculum, as well as instructional and resource materials used by teachers under existing law and board policies. By forcing teachers to plan a full semester of lessons, the result will be text-book, robotic lessons that will take away the teachers ability to lead their class to different levels of learning that happen in the moment. There are so many “teachable moments” that you can’t find in a lesson plan. Creating this extra burden for teachers will indirectly send a message to teachers that they are not professionals and they are not trusted.

Not only will this bill effect children academically, but it can also become a safety issue. SB 2260 will make it more difficult for schools to report suspected child abuse or neglect on the part of the child’s parent. It would also become more difficult for children in need of protective services to receive help, especially if the parent is the suspected abuser.

Please vote no on SB 2260. I truly believe this will not benefit our children and will only increase the burden for teachers, which will ultimately lead to a higher rate of teacher burnout and shortage.

Lea Doerr/ Elementary Teacher
Scranton Public School
1st and Fries
Scranton, ND 58653
lea.doerr@k12.nd.us

Carolyn Bluestone
Superintendent
Mandaree School District #36
Mandaree, ND 58757
(701) 759-3311 Work
(701) 421-7422 Cell

Re: SB 2260 relating to Parental Rights

Dear House Human Services Committee Members:

I am submitting this letter in opposition to SB 2260 which relates to parental rights. I am the superintendent at Mandaree School District #36 in Mandaree, North Dakota.

If passed this bill will place an extreme burden on teachers and hamper school districts in their number one responsibility which is to keep students safe during the school day.

Requiring instructional materials be made available to parents 7 days prior to implementation is unreasonable at best and an injustice to teachers at its worst. Teachers are trained professionals who follow State standards when planning and implementing instruction. It is borderline insulting to imply that a parent's right to review should or could be the final say in what the teacher presents. The "typical" parent does not have the knowledge, skills, or abilities to determine if a lesson or series of lessons meets or does not meet content standards. This increased strangle hold on an already overworked system would result in teacher burn-out and a mass exit from the profession. Teacher shortages are critical nationwide and rural North Dakota already has trouble attracting teachers to their districts. Schools that are under a Comprehensive School Improvement designation are required to submit a copious amounts of paperwork supporting and documenting their efforts, requiring teachers to add an additional step to the planning process is not a practical use of their instructional time.

The restrictions this bill places on the use of surveillance videos takes us back to a time when schools did not have the equipment to offer a safe and secure environment for students in school. Millions of taxpayer dollars have gone to the purchase and installation of camera systems in every school building in North Dakota. I have used surveillance cameras to find stolen purses, cell phones, reference library materials taken from the library without permission, students in places they were not supposed to be, and unfortunately witnessed student fights, bullying behavior, and illegal substance transfers. Using security camera footage allows administrators to make discipline decisions that are correct and not reliant on the spoken word that can be deceptive and untrue. If restrictive measures are put into place our school buildings will again become unsafe for students.

In a litigious society giving those who find joy in creating havoc one more tool in their arsenal with the ability to sue a school for non-compliance is an injustice to the hard-working professionals in schools across the state.

I ask that the Committee give this bill a DO NOT PASS.

Respectfully submitted,

Carolyn Bluestone
Superintendent of Mandaree School District #36

Good afternoon,

I am writing today to urge you to oppose SB 2260. We as educators work tirelessly everyday to provide an excellent education. We are constantly refining education standards, creating proficiency scales, and working hard on assessments for the children that we educate. We do this in our PLCs (Professional Learning Communities) with the guidance of the state of North Dakota. We are tasked daily with many other things as well, everything for helping students navigate conflicts with peers, to teaching social skills for everyday success that used to once be taught at home that are no longer (i.e. how to make friends, how to keep friends, how to ask for help if needed). Seeing the media put false narratives out there that other things are being taught or even discussed is so disheartening (i.e. gender identity etc..) I worry that if this bill passes our already shortage of teachers will only get worse...much much worse. Providing a lesson plan for every single lesson or curriculum to parents 7 days in advance just isn't feasible. This also takes away our ability to be able to teach something we may need to in order to make it a teachable moment (i.e. playground issue that we need to do a whole class lesson on but can't because we didn't submit a lesson plan to parents 7 days in advance). We have more on our plates as educators than ever before adding this will not help our teacher shortage. We went into the field of education to help kids learn and grow. Having a partnership with parents is so important and unfortunately, I feel like this bill only puts a divide there. Please don't believe everything you read or hear in the media...reach out to your local educators if you have concerns because I am confident you will find that what we are teaching are the things that we always have been...Reading, Writing, Math, Social Studies, Science, PE and Music.

Amanda Fisher

15 year Educator

SB 2260

Chairman Heinart and House Education Committee Members,

My name is Leslie Bieber and I am the Superintendent of Alexander Public School in Alexander, ND. I am here in opposition of SB2260.

I have struggled in finding words to articulate my passionate opposition of this bill.

Teaching is a science but it is also an art. Teachers go into education because they have a calling. Every teacher in my building could tell you when he or she knew they wanted to teach. Those who cannot identify that moment, usually don't make it past their first few years in education! SB 2260 will take the art out of teaching and this is just one of many things that SB2260 will damage in education.

Section 1, #3. subsection k, allows the parent to opt out of any personal analysis, evaluation, survey, or data collection by a school district which would capture data except what is necessary to establish a student's educational record. Yet, to be an accredited school, via Cognia, we survey the student's engagement annually. We give out the anonymous Youth Risk Behavioral Survey, which collects data concerning at risk behaviors such as mental health, sexual activity, drug, and alcohol usage, drunk driving, etc. Alexander School is currently preparing our student survey's to allow student voice in our strategy map and 3-5 year strategy planning, and to provide us a snapshot of any bullying issues, or other concerns. None of the above establishes a student's educational record but it provides very important information for school improvement by knowing our clients and their needs.

The information allows teachers and admin to be prepared for what students bring in the door.

Section 2, #2, subsection b #1 will now force every teacher to create a syllabus that includes a written description of all topics and subjects taught in a class or course. It goes on to include any curriculum, presentations, field trips, etc. This will take hours of preparation for every teacher. There is a teacher shortage in the United States and SB2260 will only add to it.

All of this will need to be communicated to parents seven days before it is taught. So, in the 2nd grade, during math class when a seven-year child looks out the window and sees a bird flying and asks, "Teacher, why do birds fly and cows do not?" The teacher cannot answer, she cannot immediately go into the great science lesson that just popped into her head about feathers and bone structures because it is not on the syllabus. So before she can teach at this great teachable moment, she will have to add it to her syllabus in detail, wait 7 days, and then answer the student. This story was taken directly from my 2nd grade teacher. In her "aha" moment, the lesson popped into her head, the art project that utilized math, the science, etc. The students put away their math sheet and drew a bird using geometry. She told me all about it and was super excited. The class now has a feather collection that they have started. Teaching is an art! Teachers are artists!

Last year, an older gentleman was visiting an friend in Alexander and called the school to see if we would like to have him present a book that was written about him and his dog. Major, his dog, was taken from him when he was five years old and Major served as a soldier for the USA in WWII. Our students were in awe and had a great little lesson presented by a man who grew up in the Wahpeton, ND area. It lead into individual projects created and presented by the students about WWII. This is now an annual event for the 5th grade. With SB2260, I would have had to turn him down and say, sorry but we have to give the parents three days' notice before you present.

Section 2, #2, subsection d allows a parent to object to a specific presentation or instruction on the basis the presentation or instruction is harmful and to withdraw that parent's child from the presentation or instruction. A parent may object to a specific presentation or instruction that questions beliefs or practices regarding sex, morality, or religion based on harmfulness. A parent already has the right to opt a student out of lessons based on religious beliefs. With SB2260, parents using drugs will opt of the DARE program. Any pedophile parent will opt out of the good touch/bad touch lesson taught annually by my school nurse and counselor. The interpretation of morality could be used for a plethora of topics. I literally have had a parent who believed that her child should not have any discipline in any class because it was against their moral beliefs in their home.

Section 2, #5, I will just summarize but it states that a parent may bring suit for a violation of this section against a private person, a teacher, and collect compensatory damages. Would you want to be a teacher in ND with SB2260?

There is not one lawsuit known by ND United between a parent and a teacher for teaching a topic that a parent did not approve so where did this come from? Is this a problem in ND or is this a trend in other states? ND has a great education system and a super majority of our parents are pleased with their school districts.

Please give a DO NOT PASS on SB2260, please do not add to the teacher shortage with this bill, and please just let our teachers teach!

I will stand for any questions.

Respectfully,

Leslie Bieber

Thank you for taking time to read my testimony in regard to SB 2260. My name is Eric Henrickson. I am the principal of Longfellow Elementary School in Fargo. I have been in education for 25 years, and during that time I have followed the legislative process but never in my years have I seen a bill that concerns me as much as this one.

I am all for involving parents in the process of educating children and I take great pride in having strong relationships with our families. However, the wording of this bill contains so much ambiguity it would cause chaos throughout North Dakota.

Under section 1 “Parental rights are reserved exclusively to a parent of a child without obstruction...including the right to...

- “Direct the moral or religious training of the child” Does this mean we can’t talk about being good people of character, treating each other with kindness, etc. because it might be viewed as dealing with morals?
- “Opt the child out of any personal analysis, evaluation, survey, or data collection by a school district which would capture data except what is necessary to establish a student's education record.” What does this mean? Teachers could no longer do Kahoots which are electronic surveys some teachers use to see if the students are learning? Would teachers be allowed to collect informal data during their small group reading/writing/math time?
- “A parent may bring suit for a violation of this section...” We are already short of teachers. Do you think a high school student wants to be a teacher if they can be sued because a parent doesn’t like the content they are teaching?

Section 2 deals with the curriculum side of things where parents must be able to review the syllabus at least seven days before the start of class. Within that language it says the syllabus will contain “a list of all curriculum used in the class or course.” Good teachers never have their entire curriculum laid out for the entire year as they know they must adjust to the need of their students.

Within section 2 there is also language regarding needing parents written consent for a presentation that relates to many things, but one of the items listed is romantic relationships. Does this mean that if a 1st grade teacher read Sleeping

Beauty, they would need parental consent? When asked about this one of the sponsors of the bill said "There are very different topics that you'd address in kindergarten versus what you'd address as a senior in high school. I think that would be case-by-case dependent." Nowhere in any of this language does it spell this out.

Education these days is hard enough. I would rather focus on children coming from poverty or dealing with mental health issues. Please vote no on this bill as it will send educators scrambling to other states. Thank you for your time.

Hello Committee Members,

I am writing in opposition to the proposed SB2260. As a North Dakota educator, I find the ideas proposed in this bill to be both incredibly frustrating and impossible to accomplish. Teachers have many responsibilities and asking for any and all materials to be used prior to the beginning of the school year is not only a nearly impossible task, it also prevents us from being innovative and using new materials which are beneficial to our students. This is also a disservice to our students in that it will prevent us from making necessary adjustments to our content and curriculum to teach, reteach, and extend learning. In addition to that, the requirements for any classroom guests to be known in advance prevents students from having relevant and informative experiences. Our career fairs, foreign exchange programs, and community experts bring so much to the experiences of our students, and these extra constraints will prevent most of them from happening.

North Dakota is facing a terrible teacher shortage and so many of the teachers I work with are already asking themselves if continuing in education will be feasible. Asking this much more of our teachers will push us beyond the breaking point. Please take the students and teachers of North Dakota into consideration and do not pass this bill forward.

Thank you for your time and consideration,

Amy Shirek

March 21, 2023

North Dakota House Human Services Committee,

I am writing to urge you to oppose SB 2260. I am a teacher of junior high and high school social studies at Thompson Public School in Thompson, ND. I have been a teacher for 34 years in this school district. I thoroughly enjoy my job and working with the young people of North Dakota.

Senate Bill 2260 would be the death of current events and discussion in social studies classrooms. It would also be a violation of the North Dakota Department of Public Instruction Social Studies Content Standards. We regularly discuss current events as they occur relating to a variety of topics. As a conservative North Dakotan, I monitor the discussion topics and allow the students the opportunity to share their views and debate issues just as you do in your chambers. As it is written, SB 2260 would prevent me from having any impromptu conversations about current events or for that matter, any events occurring in our school as they would not be in the 7 day prior-provided lesson plans.

I can't imagine having a classroom so regimented. In fact, I do not believe this bill abides by the North Dakota Social Studies Content Standards which read:

The knowledge of names and definitions is essential in/for acquiring knowledge; however, high-quality teaching and learning demands more than merely mastering facts and terms. Therefore, in teaching these standards, an inquiry approach is encouraged. Activities and assessments that require students to think, analyze, synthesize, evaluate, compare, contrast, and argue using a civic engagement lens should be emphasized.

6-12 Civics & Government Standards

US.6_12.6 Connect the past to the present using current events.

6-12 North Dakota Studies Standards

ND.6_12.4 Analyze the historical and current events and their impact on the development of North Dakota.

6-12 Sociology Standards

Code Standard Benchmarks Guiding Topics

SOC.6_12.1 Utilize critical thinking and problem-solving skills to develop an understanding of different perspectives of sociology.

SOC.6_12.1-2.D2.1 Define and provide examples of culture.

SOC.6_12.1-2.D2.2 Explain the relationship between culture and society. Ethnocentrism vs. cultural relativism, culture shock, values, and beliefs Family, school, government, religion, economy, social statuses, roles

SOC.6_12.2 Practically apply concepts of sociology.

SOC.6_12.1-2.D2.3 Explain important institutions in society. Historical context of social change, countercultures, social movements

SOC.6_12.1-2.D2.4 Explain how social institutions and cultures change over time.

An inquiry approach is encouraged in the ND Social Studies Content Standards put forth by the North Dakota Department of Public Instruction. This standard cannot be realized if SB 2260 is passed.

There may be some redeeming qualities in SB 2260, but as it is written it will totally stifle student initiative and discussion as well as violate the North Dakota Standards for Social Studies Instruction. Freedom of speech is a topic in American Government classes. What is the protocol to teach freedom of speech to students without allowing discussion that hasn't been pre-approved?

Please let each school's administrators evaluate teachers' appropriateness in the classroom as they have done for years. It will be impossible to teach to the standards if we are to allow those standards to be set by each student's individual parents.

I strongly urge a NO vote on SB 2260.

Thank you for your time.

Lisa Strand
Social Studies Teacher
Thompson Public School

Members of Congress,

SB 2260 needs A DO NOT PASS recommendation.

I read with interest SB 2260 concerning parental rights. Was this bill discussed with any schoolteachers prior to its introduction? The requirements stipulated by the bill will put a tremendous burden and limitations on teachers.

How is one to teach World History, US History, Sociology, Health, Literature, or most any class that involves subjective subject matter without fear of offending someone? We can't please everyone. That is life.

-Will reading Orwell's "Animal Farm" offend a Socialist?

-Will Twain's "Adventures of Huck Finn" contain language that is now deemed inappropriate?

-If a parent objects to covering a unit on the history of Christianity, Islam, Hinduism, Buddhism, or Judaism in my World History class, should I not teach that unit?

Should I make a separate lesson plan for the offended? Should the student be excused from class that week?

-If an event happens in the news and it provides a teachable moment, I am using it. Under the parameters of your bill, I can't do that.

As a high school social studies teacher with 20+ years' experience, I would hope one could trust my professionalism and ability to teach with an open mind and allow my students to reach their own conclusions. HB 2260 will allow parents to dictate classrooms.

I eagerly anticipate and appreciate responses to my inquiry about this bill. (Just as parents will eagerly anticipate and appreciate responses to concerns regarding any lesson plans that I post three days prior to presenting them to my classes.)

Respectfully,

Larry Lasch
Wahpeton, ND

Testimony in Opposition to SB 2260

My name is Connie Hoffman, Fargo, ND, writing in opposition to SB 2260.

Do Not Pass SB 2260 - Relating to fundamental parental rights, parental involvement in education, and parental right to consent to medical treatment of the parent's child.

Reasons for Do Not Pass:

1. Medical treatment and consent to treatment of minors is already addressed with existing laws and policies developed by health care facilities.
2. Educators follow professional guidelines and standards related to school curriculum. Parents can certainly talk with their child's teacher if they have a concern. Or share positive comments as well.
3. Parents can share their perspectives, concerns and support by attending school board meetings, at parent teacher conferences, directly with the principal or superintendent, joining parent teacher organizations, and using many other opportunities to influence their child's school experience.
4. What teacher has enough time to send out and track the return of various "permission slips" for various assignments throughout the year? This is totally impractical. We want our teachers to have time to teach.
5. I feel this bill is an attempt to intimidate and demean our healthcare professionals and educators, with the threat of legal action held over them, by a parent who just doesn't "like" something.
6. Consider the situation of a child who is being abused and needs a safe place to report that child abuse. The school nurse, teacher or counselor is already required by law to report that abuse. I feel this bill may conflict with that reporting process currently in place.
7. The overall intent of this bill appears to be to undermine our public schools.
8. Instead, we can work together and talk things out instead of legislating every detail related to schools and healthcare. Parents can and should engage and partner with their child's teachers and healthcare providers. My experience has been we all want the best for our children in North Dakota.

Do Not Pass SB 2260.

Connie Hoffman
Fargo, ND

To the Honorable members considering bill 2260,

I am an educator in the public school setting and have been for more than 10 years. Throughout my service in education, I have watched as more expectations and duties are placed on teachers. At the same time more demands are being made, compensation has not elevated to match. We have always strived to include parents and improve parental engagement. If a student will be gone for an extended time or is in the hospital for any reason, the teachers I work with have bent over backwards to support a family that requests work for the coming weeks. That will not change in the future. This bill will create a needless burden on teachers and their schools by creating unrealistic working expectations.

Schools already provide parents with access to curriculum and other educational resources being used in the classrooms. Any teacher that I work with will gladly provide information in a timely manner to parents that request it. To be required to drop everything and submit a near immediate response to a parent request due to a law is impractical. The burdens that teachers face with planning, teaching, re-teaching as needed, and performing extra duties around the school is challenging on its own. By placing unworkable planning requirements months in advance on teachers, something else on the plate of a teacher will suffer. Teachers will no longer be able to stop and re-teach a lesson that the students didn't understand because it is not in the plan. Teachers will no longer be able to experience and grow the spontaneous "teachable moments" that happen when off topic questions arise in a discussion. If they are required to set out all their plans weeks or months in advance, teachers will not feel free to explore this. Requiring teachers to record class materials days in advance is not plausible. If teachers are teaching all day, they would then have to go home at night to "record" what they planned to do days from now.

Teacher burn out is becoming a growing problem every day, even in our state. The demands are great and the rewards are diminishing. The field of teaching is no longer something people strive to enter into because of the stressors that the job brings. SB 2260 will make these conditions worse creating a further teacher shortage in our state.

The thing I am most concerned about in regards to SB 2260 is the protection it may offer abusive or neglectful parents when it comes to our ability to report. We need to be able to protect the children in our care. This bill will make this far more difficult for our schools to provide help and assist children where the parent is the suspected abuser.

Please think about our children's future before voting on this bill. A future without teachers is a bleak one. If you vote to increase the demands and take away our rights to represent abused or neglected children, there will not be many teachers who stick around.

Sarah Skogen

Hettinger Public School Teacher

From my perspective, if enacted, this bill will cause a rise in anxiety and depression in young North Dakotans. Under section 2, subsection 2, article f, this bill would require educators to out to students who wish to use pronouns that do not align with the child's sex. Under section 3, subsection 2, article d, this bill would require the parent or legal guardian of a child to consent to any mental health evaluations or treatments.

The problem with this is that 45% of LGBTQ youth were unable to get mental health treatment due to concerns about obtaining parent/ caregiver permission. 29% of LGBTQ youth had a fear of being outed as a reason not to seek mental health treatment.

I worry that if this bill is enacted, this would further drive the youth population *from* North Dakota and would drive away any potential new residents coming to ND.

This bill will lead to a rise in suicide among LGBTQ youth in North Dakota, this will lead to a rise in mental health issues for the youth. This will create a massive fucking headache for school administrators as the number of forms they would have to process for *each student*. This will stretch educators thinner than they already are by having to post lesson plans online 7 days in advance. This will completely upend the healthcare facilities in North Dakota with the additional oversight that would be necessary to follow the law. This bill is the GOP in 2022 all in one. Anti-trans legislation, more restrictions on educators, the heavier workload on admin, and hurting our massively underfunded healthcare facilities.

Love is love, respect trans youth, and support them. If this bill passes and even one trans/nonbinary youth commits suicide, the blood is on the hands who voted in favor of this legislation.

Greetings!

My name is Danielle Yon. I am a 8th year elementary art teacher in Dickinson, North Dakota.

I am AGAINST the senate bill 2260

Although I agree that parent involvement is key for student success, it is absolutely absurd for the families to have more power and say in the teaching profession than the trained and licensed professionals. As educators, we have worked hard for our bachelor, master, or doctorate level education degrees. For four or more years, we have painstakingly studied the best teaching pedagogies in preparation for teaching in the classroom. We continuously take ongoing training and classes to keep up to date with the best teaching processes possible. We need the public to know that school staff wants the very best for each student, and already strive for families to work along side the staff, taking interest in their students' learning journey. We want to create collaborative and grace filled relationships.

And because every student is unique, it is essential that education be a place of fluidity and change. Requiring lesson weeks in advance crushes the flexibility needed to adapt to students needs as they grow. Not only that do students change, but so does the school days. Some days classes will fly through lessons and content unscaved. But other times, lessons will not go as planned and will need remediation. There is no way to predict how students will absorb their learning content. Although students all are learning the same standards, teachers need the flexibility to adapt the information into way that work best for their unique classes.

For example, I teach art to 29 classrooms weekly. Grade 2-5 at three different schools. Although I plan that same topics for my 7 fourth grade classes, my lessons vary with what materials or processes are used. It all depending on the unique skills and abilities of each individual class. Some classes are more mature and able to abstractly discuss art, while other classes need more developing of fine motor skills. In addition, asking teachers to document every single activity for "approval" in the school day is a waste of the valuable teaching and lesson preparing time.

In conclusion, please vote against this bill. Let teachers use the school day time for teaching, instead of wasting time documenting and there are better ways for families to become involved in their student's education.

Thank you for the opportunity to speak,

Danielle

Senate Bill No 2260

As a math and financial literacy educator, I am constantly striving to adapt and modify the curriculum to better serve the diverse needs of my students. The lessons are given, assessed, and the outcome evaluated to see how best to proceed. If I am unable to create or add supplemental material that I need to aid in my students' learning, how will I do my job to the best of my ability. There is not enough time in one day, week, or year to put together all the potential things I may need to use in my class to assist my students. I know there will be a large number of highly talented and educated teachers that will leave the teaching profession if this bill is passed. This is a workload that is not sustainable to teachers who deal with daily poverty, violence, and mental health issues among our students.

Mrs. Jennifer Fordahl

JH/HS Math Teacher – Hettinger Public School

&

Mr. Jeremy Fordahl

Business Teacher/FBLA Leader – Hettinger Public School

Ask yourself this regarding SB2260: If my child or grandchild is struggling with a concept in school would I want their teacher to have the time to make accommodations for my child? Would you want their teacher to reteach any concepts that several students, including your child, did not fully grasp? We know that all students do not learn in the same way or in the same time frame. If you pass this bill you are locking teachers into an impossible position. Your bill would prevent teachers from any form of autonomy and force them to move forward with their lesson plans submitted to parents for approval 7 days prior. As a public school teacher of 30+ years, I can tell you with utmost certainty that lesson plans are fluid. They change. Sometimes they change within the first hour of class. Sometimes they change within days. They almost certainly change weekly. Teachers are working with children. They are small humans that are each unique and individual and have working emotions, backgrounds and levels of academia. What you are proposing is impossible to maintain. Teachers are treading water trying to survive with all the the responsibilities they already attempt to complete. Lesson plans take a lot of time to complete and to plan out. I had, at times, 125 students a day to prepare for and with whom I would want to make a connection. Planning, presenting, assessing, reteaching, reevaluating, enhancement of lessons, interventions for students to relearn concepts all take an immense amount of time. If this bill passes, there will be an exodus of teachers like never before. Teachers are burnt out. They work in an ever more dangerous environment and do not feel valued. If your goal is the destruction of public education, this could very well do it. My heart breaks for those who try so hard to make a difference for children and constantly face road block after road block. If you truly want to know what educators do, I challenge you to spend a few days as a substitute teacher. Please. Please do not pass this bill. Teachers are not the enemy. They are not hiding things from parents.

March 21, 2023

HUMAN SERVICES COMMITTEE TESTIMONY

Re: SENATE BILL NO. 2260

Relating to Fundamental parental rights, parental involvement in education, and parental rights to consent to medical treatment for a parent's child.

Senator, Doug Burgum, House Human Services Committee and other distinguished committee members, I want to thank you for this opportunity to address SB 2260.

Hello, my name is Katie Berry and I am a teacher at Midway Public School. I am writing to testify against the Senate Bill No. 2260 and urge you to not pass this bill.

We, as Educational professionals, have been called on to do so much in the last few years and having to do one more, almost impossible task, could be devastating to our North Dakota Educational System. Our Educational team has gone through years of schooling along with yearly and monthly professional development on top of that. It is truly disheartening to hear that this bill would take away any power a teacher has in a classroom. We are professionals and we all do what is best for our classroom every day. To have our professional decisions questioned is heartbreaking! Having this bill passed and giving educational control to parents, most who aren't professionally trained or even in the education system, is discrediting us as teachers. We already have open records and if a parent has a complaint with something that is being taught or shown they can talk to the teacher and or the school district regarding their concerns. This bill would not only let them voice their concerns or thoughts on a curriculum or lesson, but would give parents or guardians complete control or power of what is being taught in the classroom. If this bill passes it is going to make our job as educators even more difficult, even almost impossible than it already is and will cause our teacher storage to rise. Please think about us teachers as a whole and everything we already have to do in a day to educate our future.

Katie Berry

Midway Public School

SB 2260: Section 2

As an educator, I am shocked that this has even made it through as a bill. With everything else that we are already having to deal with on a day to day basis, and parents want this added to the workload? We already do weekly lesson plans, and follow a curriculum which can change at the drop of a hat due to all kinds of changes to our week. And, sometimes one just can't get to the activity planned in one's lesson plan, and will need to extend it to another day, or week. On top of this, we are required to teach social skills to help deal with all of the behaviors we are having in our school districts.

I have been teaching for 33 years, and I am appalled that parents, who are not teachers, think they can dictate what we, as educators, went to school for and take continuing ed classes their entire careers. Our principals and superintendents continue to offer classes, book studies, and workshops to help keep up with the changes in education.

For the small percentage of parents that "really" want our lesson plans/curriculum published for the public; all they would need to do is ask the teachers. Because from my experience, many parents do NOT check planners on what subjects the child did that day, folders for their child's important papers, newsletters sent home, or PowerSchool for their child's grades. We have Remind as a communication device, and some don't even check that.

Lastly, we already have a shortage of educators! Why would one sign this bill through? This will be another reason not to go into education. You would be taking power from the schools, and

giving it to people who have not taken the education courses, workshops, and extra training to become a teacher.

Section 1:

The best thing that has happened at our school is the security cameras that have been placed in our school. Not only does this keep our students safe, it also keeps our staff safe. So many situations have been solved due to the cameras in our school, and our school grounds. The students know they are there, and they have the opportunity to just tell the truth when a situation arises. It would be a huge disappointment if this passed. Security cameras protect everyone!

Thank you,
D'Ette Erickson
Midway School

I am in opposition to Robert (I can't say Bob since I have not seen a note from his parents allowing me to use his nickname, as per his legislation) Paulson's SB 2260. Nor have I seen any kind of documentation of qualified training that these senators and representatives have to legislate education. If they can demand that of teachers, the public can also expect that from them.

After reading through this bill, it seems that this is an overreaction to a non-existent problem for North Dakota. The majority of the issues that this bill aims to rectify in the public school system could be solved more efficiently if parents would take the lead and communicate with their own children. Ironically a bill that implies safety for school children has provisions to remove security cameras from schools.

I can only hope that the ND Legislature can come up with a more thoughtful bill to have a plan in place to replace the mass exodus of highly qualified educators that will be leaving an already sparse underappreciated workforce.

Nute Bishop-ND Legislative District 36

This bill makes no sense. In no way does it help students and would be a huge detriment to our teachers. Why would we make laws which make a teacher's job more difficult. This law would make it even more difficult to recruit and retain teachers in North Dakota. What happens to a teacher when a lesson plan changes due to weather or illness? Will the teacher be punished due to not following the plan? I can think of no reason we need to micromanage our schools or teachers. In no way does this benefit the students, teachers or our schools. What is the real purpose of this bill? I hope all will vote do not pass.

North Dakota wants to recruit employees and people to come to our state. Why would anyone want to come to our state with laws like this in place?

Members of the House Human Services Committee

Please allow me to introduce myself. My name is Patty Mosset and I am a science teacher at the Hazen Middle School. I was the 2022 Mercer County Teacher of the Year and a candidate for North Dakota Teacher of the Year. I pride myself in being a hard-working, energetic teacher who offers students a wide range of learning opportunities. I am writing because I am concerned about SB 2260 causing my students to be stifled in their imagination and curiosity of science.

My first cause for concern is the wording that follows: Review, copy, and record all curriculum for each class or course offered by the school and any teacher training materials **at least three days** before use of the curriculum or teacher training materials

Every day there is breaking news somewhere in the world that directly relates to middle school science content. This February there was an earthquake in Turkey that registered at 7.8 on the Richter scale and killed thousands of people. As the news of the earthquake was unfolding, I was able to discuss information on the epicenter, we looked at internet photos of structural damage to buildings and discussed why modern engineering is so important as well as discussing advances in medicine and treatment of injuries. Under SB 2260 I would be required to give parents the opportunity to review the news of the earthquake and then wait for 3 days before I would be allowed to discuss it with my students.

On any given day I read a variety of science articles online. I might be waiting for my own children to get ready for school or passing time on a bus ride home from a ballgame, but I am not typically documenting what I read for curriculum review and meetings with parents. However, in order to share the wealth of information that I gain by reading, I would need to record the source of the article, and prepare to defend it, before I am allowed to discuss the information with my students. Just this morning I read an article about Xcel Energy's nuclear power plant in Monticello, MN which was leaking tritium, a radioactive material, into the water. This content directly relates to the classes that I teach, so we discussed it in one class. However, there is just no way that I have time in my day of teaching and coaching to record, document, and then meet with parents, simply to mention a news article that we may only discuss for about 5 minutes.

I feel this bill would stifle so many topics of current events, not to mention the impromptu questions from middle school students. I have one student in particular that has her hand raised frequently with questions that are not always on target with the subject matter documented in the curriculum. Today when I was explaining the nervous system of invertebrates, she raised her hand and asked how drugs affect our brains. This question wasn't directly related to our content but I feel very qualified to answer her since I have a double major as a science teacher as well as a medical technologist with a minor in chemistry, biology and microbiology. I have spent years working in the medical field in hospital and clinic labs as well as a cornea transplant lab prior to my 20 years of teaching. I also feel it is extremely important to talk to kids about the ill effects of drugs whenever they ask. Those can be life-changing conversations and it would be a huge mistake to have a law preventing teachers from being able to use a teachable moment.

The second item of concern with SB 2260 is with the wording: Review the syllabus, curriculum, and teacher training materials for each class or course that a parent's child is enrolled in at least **seven days** before the start of each class or course. The syllabus shall include a written description of all topics and subjects taught in a class or course, a list of all curriculum used in the class or course, the identity of all individuals providing in - person or live remote instruction in the class or course, and a description of any assemblies, guest lectures, field trips, or other educational activities that are part of the class or course

Teachers do not rank high on the pay scale and society justifies this by saying, "But you get your summers off." I have 135 middle school students, so I have 20-25 students in every section that I teach, obviously there is no spare time while they are with me. I coach two sports after school so my days are lengthened well into the evening hours from November - May. I do not have time in my school day to prepare a written description of every single thing that I teach. So the only time I would be able to prepare this list for parental review would be in the summer. Any new teacher would be forced to compile this list prior to the start of their contracted days since SB 2260 requires the curriculum compilation to be available 7 days prior to the course being taught in the

fall. Does the legislature plan to allow funding for public schools to pay teachers during the summer?

My last concern is with a parent refusing to agree to the subject matter being taught. SB 2260 states the following: A parent **may bring suit** for a violation of this section and may raise the section as a defense in a judicial or administrative proceeding whether the proceeding is brought by or in the name of the state, a private person, or other party.

According to this, if a parent does not agree with the teaching, we as teachers would be subjected to hours of meetings which we would not be paid to attend, along with lengthy paperwork to document our sources and why we believe this information is useful, and in the end we could actually be sued for teaching the students of the great state of North Dakota. This is simply going to add to the current teacher shortage.

I urge you to vote no on SB 2260 for the reasons that I have documented above. Please feel free to reach out to me if you have any questions. I welcome any discussion on the future of education in North Dakota.

Sincerely,
Patty Mosset
Science Teacher
Hazen Middle School
Hazen, ND 58545
701-870-2204
mosset@westriv.com

I do not agree with this bill.

As a teacher, this bill is not what we need in education. There are many ways we can make education better. This is not the route to go and many more teachers will leave if these demands are placed on us. I do not support this bill. If you care about teachers, you wouldnt want this bill either.

March 21, 2023

To Whom It May Concern:

I am in opposition of SB 2260.

As a teacher of the deaf and hard of hearing of 22 years, I do not need parents to review and critique my lessons that I have specific training to teach. Although they are the parent, I am in a specialized field and have been specifically trained in the learning styles of deaf and hard of hearing students. I have a master's degree in my specific field and although I welcome collaboration regarding my teaching, I do not need my lessons analyzed.

Often teaching takes advantage of teachable moments and providing the lesson plan may create fear in teachers to no longer embrace the teachable moments. A new lesson may evoke a connection to a student's experiences that allow for a real connection to that new material. If those teachable moments are eliminated, then the one that suffers is the student.

The choice is yours; do you want me spending my time posting curriculum, resources, lesson plans, videos, guest lecturers, or teaching, intervening, and building relationships with kids? I'm already working to catch most deaf and hard of hearing students up for the typical five years of language deprivation they face. They don't have the time to miss more educational opportunities so I can post everything online.

I urge you to vote against SB 2260.

Thank you,

Tiffany Ahmann, M.S. Ed

Teacher of the Deaf and Hard of Hearing

My name is Ashley Sailer and I am providing testimony in opposition of SB 2260. I am an educator in this state. I primarily teach Family and Consumer Sciences in a small rural school. I have many oppositions to all parts of this bill as both a teacher and a parent, but I am going to focus on the aspects that affect my career. Educators in this state provide an incredible education to the students that attend our schools. SB 2260 is a threat to this education.

Section 2 Lines 16-26 create unrealistic expectations and burdens on educators. In the first part it states that all syllabus, curriculum and teacher training material must be submitted at least 7 days before the start of each class or course. In its current form this mean everything a teacher plans to use within the class needs to be decided in August. This is unrealistic. It will prevent teachers from being innovators. It will be preventing educators from teaching in the moment and adjusting their curriculum to meet student needs. Educators do not own crystal balls and cannot predict how their year will run. A bill like this will prevent teachers from accessing current events and relevant curriculum. Within my own classroom, I use many current event topics to help students relate to the standards and curriculum. Beyond my own walls I wonder how a social studies teacher can teach government without talking about current events. Science teachers would no longer be able to bring in current information. It is hard to predict a recent natural disaster which would make it impossible for a science teacher to provide accurate curriculum and websites prior to an event occurring. I also wonder how we are supposed to know all our students needs before we have ever met them. If I have very low or gifted students in my room it is my job to differentiate my curriculum for them, but I won't always know this is needed prior to a school year starting. So let's say I have a very low student who needs help in financial literacy. According to this bill, I can't go and find curriculum to teach them because it wasn't posted 7 days prior to the start of the course.

This bill also requires teachers to identify any person providing instruction along with guest lectures, field trips, assemblies and any other educational activity. Again this completely restricts teacher's ability to do their jobs. Within the last month I had a guest lecture come into my Cultures and Cuisine class to teach us about Brazil, which is where she is from. I didn't know this was a possibility till late fall when she approached me about coming in. If this bill were to pass my students would no long have had that experience. I also wonder how this relates to substitute teachers. The bill does not preclude them from it. They are providing in-person instruction so if a teacher does not provide a set list of subs in their syllabus are they now breaking a law. We are in a world with very few subs as is and I can't fathom what this might do to school districts.

This bill is rife with issues that are only going to hurt education in this state. It is going to hurt our students and will potentially lead to an exodus of teachers who will struggle with the extra burden of work that comes with this bill. Educators already are short on prep or planning time and this will just cause that to shrink even further.

For these reasons and many more I urge a Do Not Pass recommendation on SB 2260.

SB 2260

Taryn Sweet

Testimony in Opposition

Good morning,

Chairman

Representative Weiss,
members of the House
Human Services, for the
record, my name is

Taryn Sweet and I am
here today in my role as
Secondary Principal for
Beach High School to

explain why I would appreciate a do not pass on SB 2260.

Beach Schools already have processes by which parents can at any time request material, meet with teachers and have access to teaching material. No one is hiding the curriculum.

They can also ask their students, be active in helping with homework and talk about their education at home. We do try to get parent involvement. We do seek partnerships with parents. Another problematic aspect of this piece of legislation is not a good

understanding of how instruction works. Normal classroom instruction is not as structured and strict as this would require us to be. The flow of instruction changes sometimes based on questions, and interests. It is not necessarily realistic for a teacher to

say wait I can't answer that question or find primary sources for you until this has been on the website for x amount of time. It does not foster good dialogue and spontaneous learning. When we are dealing with a teacher shortage putting more of a burden on our teachers to do

extra duties is not a good idea. This bill doesn't take into account the well being of our instructors and the financial ramifications for districts. Do we have to extend contracts to add more burden to their already heavy workload? It will further lead to burnout of our valued

educators. Again, we are looking at a teacher shortage. We need educators to stay and come into this field. It is an unnecessary added workload for something that is already allowed. It creates problems where there really isn't one. A dangerous aspect of this bill is that it

also hampers our ability to work with social services on issues of child welfare. When they come to meet with kids I am not allowed to contact parents. When they are investigating issues the kids need the freedom to speak. For all of these reasons I would

appreciate a do not
pass.

March 21, 2023

Members of the House Human Services Committee:

I am writing today in strong opposition to SB 2260 and ask that you render a do not pass result, as well as no votes on the floor. As an educator and life-long resident of North Dakota, I am deeply concerned about the detrimental ramifications to our education system in the state of North Dakota, specifically regarding teacher retention, if this bill is to be enacted into law.

I have been an English teacher at Grafton Public Schools for seven years, and I am passionate about educating and serving the students and families in my community. Since beginning my teaching journey, I have earned a Master of Education degree in English and a Graduate Certificate in Communication Studies. Additionally, I have had the privilege of participating in and leading multiple district-wide initiatives and professional development opportunities for my district and others in the state. As a testament to my work, I was awarded Grafton Kiwanis Teacher of the Year in 2020. Most importantly, I pride myself in building strong relationships with students and their families to best impact student success.

However, none of this happens without countless hours of working outside of my contracted time, going above and beyond the line of duty. I teach three separate courses over six class periods. I have approximately 100 minutes of prep time throughout my day, though often this time is spent meeting with students to offer additional educational support or providing substitute coverage for absent teachers. I use the prep time that I have to plan lessons, set up my classroom for learning, upload work to Google Classroom, and provide students with ample feedback on coursework. While 100 minutes sounds like a long time, it goes quickly. I typically do not have enough time during the working day to support my students as much as they deserve. This is not unique to me. Most educators work off the clock to meet the demands of the job, all in the sake of providing students with a high quality, state mandated standards-based education. Many of the requirements and additional expectations for how teachers complete their work in SB 2260 will take valuable prep time away from instructors to the detriment of student learning.

A reality of teaching is creating instructional material and content “on the fly” to meet the needs of learners. For example, last week I was teaching my seniors about APA citation style. I lectured, provided students with notes, and then had them complete an assignment. I assessed their work from home that evening and found that they needed more help with their ability to create references, so I developed new instructional material for the following morning. This very typical yet necessary and timely adjustment to my lesson plans would be in direct violation of SB 2260 section 2.1.b. Waiting one week to have these new instructional materials approved by families would not be in the best interests of my students’ learning.

Right now is not the time to develop legislation that will increase the workload of teachers. It is no secret that there is a major teacher shortage in the United States. Daily, teachers are choosing to leave the profession due to numerous factors outside of legislative control. While I consider my vocation to be teaching, it has crossed my mind that I may have a better work-life balance in another profession. Unfortunately, SB 2260, specifically section two, will encourage myself and others to leave education in the state of North Dakota, if not education altogether.

It is my understanding that SB 2260 was introduced to provide families with more transparency about their child's education. I fully believe that families have the right and responsibility to engage with their child's education. In fact, I encourage parents to do so; one of my favorite aspects of my job is talking with families about what their students are learning and achieving in my classroom. This line of communication is open for families at any time, as per current school policy and open records law. SB 2260 will create additional and unnecessary work and stress for teachers, as formally writing lesson plans is an incredibly time-consuming task. A teacher's role and primary responsibility is to educate kids, not cross off boxes of red tape. For an educator to remain a teacher in North Dakota under the passing of SB 2260, teachers will need to find ways to cut corners in order to have time to complete the new legal requirements of the job. Unfortunately, this cut corner will likely result in a lower-quality education for North Dakotan youth.

Please support the teachers and students of North Dakota by placing confidence in trained and highly qualified teachers and administrators and voting no to SB 2260. If you have any questions about myself or my classroom, please contact me. I love speaking to interested individuals about the education profession and the realistic joys and challenges that come with working in a school system. I appreciate your time and consideration in this important matter.

Sincerely,

Elizabeth Pilon
Grafton, ND
enpilon@gmail.com

I am Taren Ravnaas, a science teacher in Minot, North Dakota. I am asking you DO NOT PASS SB No.2260.

My initial concern regarding this bill is that my weekly, classroom content and materials would not only be available to the parents of my students, but it would also be available to my students. As a high school teacher this is overly concerning. I put a lot of time and effort into my materials, and this would provide students with the opportunity to work ahead of pace, have somebody else complete the assignment, use resources that are not permitted on the assignments, and possibly completely cheat on the assignment.

My final response is that the passing of this bill would substantially increase my workload. As a third-year teacher, I am already spending at least 3-4 hours outside of my contracted hours daily planning, prepping, and modifying my content for my changing classroom. I face different challenges every day in my classroom and the passing of this bill would continue to add more stress to this profession.

Thank you for your time,

Taren Ravnaas

To Whom it may concern:

I write in opposition to SB 2260.

I am an Agricultural Education instructor and FFA advisor in Hettinger, ND. My opposition originates from the fact that, should this bill pass, our education system will be crippled and our children will pay the price as they go on to begin lives of their own.

Being an FFA advisor, I have the privilege of working with some of the best and brightest students in our public school system. They are leaders within the student body, and they will most certainly be the leaders of tomorrow: the leaders of our churches, our communities, and our government. I firmly believe that the restrictions this bill places on educators are nearly equivalent to placing them in shackles.

The provisions in SB 2260, with the intention of clarifying parental rights and control over a parent's child, will assuredly have tremendous adverse effects which I believe have not been acknowledged. Here is a list of some of those effects:

- The ability of teachers to spend more time on a difficult subject, an ability which is often utilized as students address new and challenging material, will be stripped from the teachers.
 - As a result, students will rapidly fall behind. They will fail to establish the base level of education on any subject which enables them to draw connections and draw their own conclusions, and will thereby be unable to achieve even modest levels of understanding and comprehension. Students will not have the foundations on which to build higher learning of any type, including such things as simple algebra.
- The ability of teachers to use additional or different teaching materials to address subjects when it becomes apparent that particular students would greatly benefit from a different approach, will be stripped from the teachers.
 - As a result, students with different learning methods (visual, audio, hands-on, experiential, etc.) will fall through the cracks and fail to learn, there again bringing about the ramifications I noted above. The fact of the matter is that, as the provisions of this bill read, a teacher could not perform the simple act of drawing a picture on the chalkboard to help a child understand a topic if that drawing was not listed in the syllabus.
- The ability of the teachers to foster critically thinking and inquisitive minds by exploring discussion and questions students have, an incredibly important aspect of developing student learning from memorization to understanding, will be stripped from the teachers.

- As a result, our children will fail to thrive academically. The students will never achieve true understanding of a subject, and they will never be able to put those lessons into practice. It is of the utmost importance that, when we get our students' minds thinking, we fuel that process.
- The ability of the teachers to address real-time events that students witness, the current problems in the banking industry, for example, will be stripped from the teachers
 - As a result, our children will go unprepared into an ever-changing and evolving world. They will be ineffective at handling changes in their daily plans and will not be aware of things going on in the world around them.

Effectively, this bill lays the groundwork for a below-average, uninquisitive, and unsuccessful generation of North Dakota students. The passing of this bill would trade the abilities of our students to be effective learners, to achieve understanding of a topic, and to become leaders in the world of tomorrow, for more layers of red tape and regulation.

As an educator in the State of North Dakota, I can sincerely say our only desire as educators is to prepare the children of today to be the business executives, entrepreneurs, and Senators and Representatives of tomorrow. To do that, we need the ability to adjust and diversify our instructional methods on the fly instead of being locked into what ever it was we planned long ago.

Childrens' minds do not follow strict syllabi and structure, and they need the ability to have their questions answered, even when that answer wasn't built into the syllabus months ago.

To preserve the ability of your children to learn effectively and to thrive, not only academically, but in life, join me in opposition to this bill.

Sincerely,

Mack Buckmier

Agriculture Education Instructor / FFA Advisor
Hettinger High School
mackenzie.buckmier@k12.nd.us
701-567-3158

March 21, 2023

To: House Human Services Committee

From: James Fahy, Educator – Dickinson High School

RE: Testimony against Senate Bill 2260

Dear Honorable Representatives,

My name is James Fahy and I am a teacher at Dickinson High School. I am currently in my 23rd year of teaching Social Studies, both in class B schools and class A schools.

I am writing you to urge a "DO NOT PASS" on Senate Bill 2260. This bill is burdensome and is bad for our students in so many ways.

As a Social Studies teacher this would be detrimental to teaching current events in a timely manner. Many teachable moments come in a moment's notice and requiring all lesson plans and curriculum material to be made available 7 days in advance would prohibit discussion of any current event and breaking news.

Teachers with different classes would spend a lot of their contracted time uploading curriculum and resources that should be spent in student contact time and education. I personally have 5 different classes (American Government, US History, World History, Honors Modern World History, Foundations of Leadership) and every class curriculum and resources would have to be uploaded. Are legislators asking us to take MORE time from our families as we already prepare lessons and provide feedback in a timely manner well beyond our contracted hours?

Class structure is one of my strengths, however, every class is different and many times students need more time to understand an important concept which would alter the published lesson plans. As a veteran teacher I am constantly adjusting and adapting my lessons to better educate my students. This bill would not allow that to happen. I would be bound to hurry through material to make sure I am "on pace" with my published lesson plans.

Retention of teachers is already difficult in the state of North Dakota and this bill will certainly not help. I am currently 6 years from reaching my retirement and this added burden will definitely make my decision to retire at 62 easier, rather than continue in the profession that I truly love.

Again, I urge you for the sake of the mental health of our state educators to please recommend a "DO NOT PASS".

James A. Fahy

Forty hours - that is how many hours a week I am contracted to work during a regular week. That is how many hours I am paid to work during a regular week. Fifty three hours and roughly twenty five minutes - that is how many hours I spent working last week alone. I wish I could say this was a rare occasion or that I am a rare teacher, but I am far from rare when it comes to a public school teacher. Between interventions, staff meetings, grading, lesson planning, and let's not forget actually teaching my students, there is simply not enough time in the day. But teachers are resilient. Teachers are professionals and they have a job to do. So they stay an extra hour (or two) after school, they pack up their papers and work from their couch after hours, and they come in an hour early the next morning to finish the job.

I believe in the power of education, and I believe that every child deserves a quality education no matter where they came from or where they are going. That is why I wanted to become a teacher. That is why I spent years learning how to research and incorporate best practices into my classroom. That is why I continue to develop my craft as the needs of children change. However, bills like SB 2260 are ruining this process. Demanding that teachers spend additional time preparing their lesson plans for parental approval and adjustments is radical. Not only are teachers continuously being overworked and underpaid, they are professionals. These teachers have been trained to find and create engaging curriculum to teach their students skills that educators have been analyzing for the most impactful education. Then they have been trained to create and administer assessments that will provide reliable data to help make decisions about how to best adjust their methods and lessons to be even more effective. These are skilled professionals and they have a job to do. Standing in their way with the potential of unnecessary obstacles from people who are not trained in best educational practices puts every child's quality education in danger. And continuing to create hoops for educators to jump through like the ones that exist in SB 2260 is beyond harmful to the profession. We are in the thick of a national teacher shortage, with educators leaving the profession at a rapid pace. It may just be due to giving them more expectations while simultaneously creating legislation that says we don't trust them to do their jobs. Please vote no on SB2260.

Haley Ulland
7-9 English Teacher
8 years
Walsh County

March 21, 2023

Chair Larsen and members of the Senate Industry,

I am Emily Messmer, a 1st grade teacher in Dickinson, North Dakota. I am writing to express my strong opposition to SB 2260. As an educator who has spent countless hours working to obtain credentials proving I am certified to educate the youth, I do not believe this bill respects me or others who have also put in the time. This bill puts an incredible burden on professional educators. I believe this bill will also create a wall between relationships educators have with students' families.

Respectfully submitted,

Emily Messmer

137 4th Ave W

Dickinson ND, 58601

To whom it may concern,

My name is Landon Pavlish, but as most people know me, I am Mr. P. I am a first-year teacher in southwestern North Dakota, and this bill scares me. I figured that rather than copying and pasting what others have said (which in the educational world, is called plagiarism) I thought I would voice my opinion, from the mouth of someone just starting out in the profession.

As a first year teacher, I wake up everyday long before the sun rises so that I can be at school at least an hour early to prepare for the day ahead. As I go about my day, I deal with disruptions and distractions, little victories and large failures. Once the day is done, I wave off my students and get to work for an extra six hours, grading papers, adjusting lessons, and finding the extra resources needed to assist the students who need the support. We do not have an interventionist for math, so that is my responsibility. We do have one reading specialist who has to juggle herself and her time between every single class in every single grade, so for some of my students who struggle in reading, I have to make extra plans to meet their needs as well. I have been told that after I have a few years under my belt, I won't stay after school for so long because all of my materials and resources will be made and put together from prior years. I do not teach anything controversial, I do not teach anything offensive, and I most certainly don't push my own agenda onto my students.

So I ask this, how am I supposed to do my job if someone else is deciding what I teach, when I teach it, and how I should teach it, with no room to move? How am I supposed to support my students when we are short on staff as it is and I am required to teach the next lesson the next day whether my students understood the fundamentals or not, because that is what my lesson plan says. What happens when we have an emergency over an important concept and we have no time left to teach it until the following week when it is way out of our student's heads? I already spend an extra eight hours of my day reflecting on my lessons, working to prepare for the next day, and adjusting to meet the needs of my students, (without overtime pay mind you). Am I expected to do more? Am I going to have to spend more time posting curriculum that parents have approved and can change from year to year? Am I going to have to devote my life to look into resources that help engage students and have them approved by parents, who a lot of times, have busy lives as well and can't focus on approving lessons? All of these are serious questions that I now have to think about.

Yet, as I type this, a more serious question pops into my head. Had I known about this, would I have spent four years of my life preparing to become a teacher? Teachers are already a rare thing in this state. We have a shortage, the whole country does. I could take my talents elsewhere, to a place where I am needed, where I am welcomed, where I am seen. I love my job, I love my students, and I love the people that I work with. I know that some of those people will quit this profession if this bill passes. Good luck trying to attract teachers to come teach in our schools as well. This is not a good look for new teachers, like I was just a year ago. I wish you all the best in this decision, it is definitely a hard one.

Sincerely,

Landon "Mr. P" Pavlish

March 21, 2023

To Whom it May Concern

I am Brendan Johnson, a resident of Dickinson, ND. I am in strong opposition to SB 2260. I have recently become a substitute teacher and have family members in the education profession. I have seen the countless hours educators put into their jobs, as it is, and I feel as if this bill does not acknowledge those hours spent . Requiring teachers to have lesson plans up to seven days in advance, does not meet the needs of every student, as teachers plan on a day-to-day basis on whether their class is ready to move on in a topic area or not. If you require teachers to submit lesson plans seven days in advance, you are not meeting or recognizing the needs of all students involved.

Respectfully submitted,

Brendan Johnson

137 4th Ave W

Dickinson ND, 58601

The Passing of SB 2260 would crumple the school system in North Dakota as we know it. We as a state are already battling teacher shortage. This would be the final blow where I believe we would lose many in the profession. The ones that would stay would be asked to do even more than what is already required and expected. Teaching is not a walk in the park. It is an almost thankless job especially when it comes to more rules and regulations to follow in SB 2260. It wouldn't be worth the headache. Please do not vote yes on this. This bill was written by people who have no idea what teachers do making split second decisions minute after minute. They can visit any school and find teachers who are excelling, struggling, and getting by but they are putting in the work because of the kids, it isn't for the money.

I disapprove of SB 2260 for the following reasons-

1. I'm expected to plan out my year and not take into consideration sickness, absences, repeated lessons, weather, classroom pace, and unexpected interruptions thus tying my hands to my "required" year-long lesson plans leaving me with no room to accommodate my weekly lessons for these items mentioned, yet alone the academic levels and mental health of my students.
2. Already in the education world we worry about liability. For example, if a kid gets hurt on the playground or accidentally in my classroom, I must worry about the legality and liability of the situation. Now, I'm being held legally liable for changing the pace of instruction in my classroom to meet the needs of all my 2nd grade students. By the state of North Dakota making, it easier to sue educators, why would they expect anyone to teach? We are in a teacher shortage as it is, especially in our rural community.
3. This bill is written in a way that we have no idea on how it will impact my schools' ability to keep children safe and free from the public having more access to individual records, the ability to refer to social services, or take further action to keep our youth safe; often time when they return to their own homes.

Currently in America there is much political turmoil and concern as to where education is heading with federal funding and stipulations. North Dakota has always been the state of reason and common sense rooted in good, strong, values no matter where the federal government has gone. This bill, and many more this session, has me concerned for our future on many levels; why is it the job of our schools to take the place of parents and constantly be held accountable when no other entity is?

Concerned and Disappointed,

Allison J. Seamands
Hettinger Public School

To Whom it may concern.

As a 20-year educator teaching in SW North Dakota, I would like to express my concern about implementing SB 2260.

The demand and the workload for teachers are already turning away too many teachers that we need to fill the workforce. Taking away the local control and the ability for teachers to make the right decisions for our students is important to teaching them the best way possible.

Public schools have always supported parental rights when it comes to the education of their children. Schools have long made a concerted effort to increase parental engagement in their children's education.

o Parents already have access to the curriculum, as well as instructional and resource materials used by teachers under existing law and board policies.

o This bill will allow parents to disrupt school operations by submitting burdensome requests to the school which must be responded to within a very short amount of time.

PLEASE consider opposing and not PASSING this bill. The education system does not need more people to determine what we do to educate students in North Dakota. The morals and values that we need to instill in the students in North Dakota is way deeper than providing a curriculum for parents.

As a teacher I don't get to know what parents are doing in their homes, and at work. Please let the local schools have control over their education that is set forth to make our future children better North Dakota citizens.

Mrs. Misty Steeke

Scranton Ag Ed Instructor

Scranton FFA Advisor

To whom it may concern,

I am writing to express my strong opposition to Senate Bill 2260, which is currently under consideration. As a concerned citizen and voter, I urge you to vote against this bill and to take a stand in defense of our fundamental rights and values.

The provisions of this bill, if passed into law, would have serious and negative consequences for our society and for the future of our democracy. As an educator, I recognize multiple problems with this bill. We are currently in a teacher shortage, and this bill would require more than educators have time to do. It's going to be more and more difficult to fill positions with high quality teachers. In addition, allowing parents to have all materials gives them easy access to cheat on assignments and miss the entire point of the lesson. In an era of technology, it will be extremely difficult to teach 21st century learning without written consent to have students on camera. We are asking students to virtually learn, record them playing sports and various extracurriculars, and so much more, yet we are moving backwards in technology if we pass this bill. Last, we don't question medical professionals or others the way we do educators. I believe we should trust our educators to do their jobs and our administration and school boards to keep everything on track. If parents want to know what we are learning, they can simply ask and trust our ability to teach. If they can't trust us, they have the option to homeschool.

Furthermore, I believe that this bill is being pushed through the legislative process with undue haste and without proper public scrutiny or debate. The people of our state deserve a transparent and accountable government that acts in their best interests, not in the interests of special interests or political parties.

I therefore urge you to reject this bill and to work towards solutions that are truly in the public interest. Please consider the concerns of your constituents and vote against Senate Bill 2260. Thank you for your attention to this important matter.

Sincerely,

Brooke Schneider

Members of the House Human Services Committee,

My name is Danielle Bosse, I live in District 24, and I am an elementary principal at Barnes County North Elementary School. I strongly OPPOSE SB 2260. I am considered a new administrator; however, I have already experienced first-hand the teacher shortage. Last year, I had ONE qualified applicant for a position. They were an internal applicant, leaving us with another open position to fill, with only ONE applicant for that position too. We were considered “lucky” to even fill those positions, as many districts did not.

The bill is going to take an already under trusted profession and require them to do more. Our district does all of this already. We share our curriculum choices, connect our students’ learning via Seesaw and Schoology, and consistently invite parents into our building. Adding the requirements that allow parents to question every decision our PROFESSIONALS are making daily is passively telling teachers the work and time they put into their education and continuing professional development is not important. We will LOSE more educators. Why would they choose to stay in a profession where they are not allowed to utilize their expertise.

For example, my sister started at a bank (not the area of her college degree). Within one year she was promoted and making more than I was as a classroom teacher with ten years of experience and a master’s degree. She was not yelled at by parents, sent ‘observers’ to make sure she was doing her job correctly, or having to prove she knew what she was doing. The love teachers have for students and education has its limits, and I am worried this would be it for many.

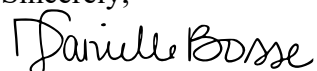
We have worked hard to build trusting relationships with our families. I have gained support from parents with their experiences as substitute teachers and volunteers. Post Covid, public education has been put under a microscope and has opened doors for parents to never set foot into their child’s school building. We encourage them to participate in committees to select and review resources. Many have chosen NOT to. We WANT parents involved, but not by forcing more work on those who never truly ‘step away’ from learning and planning for their students. Please do not punish a majority because of a few.

Section 1 of the bill would make investigations difficult. Our school is in the middle of a field and 95% of our students ride a bus. It is an unstructured time with the only adult focused on the road. Without the flexibility of surveillance cameras, we would be forced to spend funds for bus aides.

Section 2 of the bill does not put students first. Teaching and learning is supposed to be student-centered and lesson plans can change daily, or even hourly. That is why we need to retain experienced educators who understand the state expectations at each level. But, until you have been in a classroom with 18+ students, taking care of a child with a bloody nose, reassuring another child they are going home to a warm house with food, while differentiating instruction for various groups of those students, you are the wrong people to be making this decision. I encourage you to sub ONE day. You would be opposed to SB 2260 when you see the physical and mental toll teachers take daily.

I highly urge you to vote AGAINST SB 2260. Thank you for your service to the state of North Dakota and for your time deliberating on the issue at hand.

Sincerely,



Danielle Bosse
Elementary Principal

Testimony Prepared for the
House Human Services Committee
March 2023
By: Chelsea Flory

RE: SB 2260: Relating to parental rights, parental involvement in education and to consent to medical treatment

Chairman, and Members of the Committee. My name is Chelsea Flory, Director of Burleigh County Human Service Zone and a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition of SB 2260.

Directors of the Human Service Zones serve as the legal custodian for children who are removed from their parents and/or legal care givers. Foster children are often the most vulnerable children from your communities who have been identified as victims of child abuse and neglect. As such, custodial agencies, like human service zones, are legally responsible to ensure health and safety needs of these children are met and in essence perform the decisions making of a parent. There are concerns with this bill both in magnitude of influence and potential unintended consequences that may arise.

Custodial agencies such as the human service zones are legally responsible for the medical, mental health, educational and placements needs of foster youth. In addition, human service zones determine placement and upon termination of parental right, the Human Service Zone Directors render adoptive placement decisions. Human Service Zones are mandated by federal and state law, policies and best practices to engage parents in their children's lives and involve them in the decision-making process, and this is supported with child and family team

meets and regular family visits. Parents and/or legal caregivers are encouraged to engage in school meetings regarding enrollment and any academic or behavioral needs planning, to ensure the best interest of the child who is in foster care. Parents and/or legal caregivers are respected and valued members of the team who help direct the upbringing of foster children, as well as advocate for cultural and religious beliefs. However, there are times when parents and/or legal care givers do not engage, are not able to be located or of capacity to make those decision, specifically in emergency situations. This bill could potentially create delays in decision making which could impact service delivery to foster children entrusted into our care, who may be in a critical position.

I have additional concerns regarding the definition of parent. As many of you are aware, family structures and dynamics can vary from one home to another. This bill could create great conflict if one parent would approve of something and the other didn't. Which parent's decision would be more valuable during opposing viewpoints? Could the other opt to sue the government agency if his/her viewpoint was not supported? Furthermore, many children are being raised under an informal family agreement with alternative kin or fictive kin, such as a grandparent. This may be a short-term or long-term informal caregiving arrangement. What type of rights or decisions would be honored by these caregivers to support health, education and/or safety needs?

In addition, this bill repeatedly mentions legal action against government agencies. In fields such as education and child welfare we experience high rates of employee burnout, resulting in turnover and ultimately hard to fill positions. The threats of legal action, for acting in good faith, create unnecessary fear and stress to the workforce. Furthermore, as individuals

have rights to sue entities and/or individuals already, is it necessary to stress legal action in this proposed law?

As a custodial agent we value and respect parental rights, however, our primary focus is to the welfare and safety of the children from your communities. In addition to foster care, human service zones are required, by state law, to provide child protective services (CPS). In child protective services, we are mandated by law to assess the safety of children and investigate reports child abuse and neglect, often in partnership with law enforcement. Even with the revisions made to this bill, it still creates issues regarding out legal responsibility to perform Child Protective Service investigations. When a mandated reporter, such as a school official, makes a report of suspected abuse and neglect, human service zones CPS teams are launched into a fast, fact-finding safety assessment process. During the assessment stage, initial contact is made with the victim to determine immediate safety, collateral information is gathered and additional interviews are completed, including contact with the parent(s). During this phase of the CPS investigation, child safety is paramount. Pre-mature release of suspected child abuse and neglect information to the parent by other individuals can interfere with the assessment and put child safety at significant risk. To be clear, while human service zones are legally obligated to provide child protective services, this does not happen under a court-order. This bill could present as a barrier for human services zones to perform mandated CPS services, designed to assess and address child safety.

I would respectfully request that you give a do not pass on this bill because of concerns for any potential conflicts in decision-making authority and adverse impact of children. Thank you for considering my testimony relating to this bill and I stand for any questions.

Marc Bluestone
Superintendent
New Town School District #1
New Town, ND 58763
(701) 627-3650 Work
(701) 421-0865 Cell

Re: SB 2260 relating to Parental Rights

Dear House Human Services Committee Members:

I am submitting this letter in opposition to SB 2260 which relates to parental rights. I am the superintendent at New Town School District #1 in New Town, North Dakota.

This bill is invasive to the day-to-day operations of a school system by requiring teachers, who are extremely capable in the design and delivery of quality instruction, to be subjected to the objections of parents who are not qualified to determine subject matter content. I would not deem myself qualified to walk into a court of law and defend a criminal because I have watched an entire season of Law and Order. I would not step into an operating room and attempt brain surgery after watching a YouTube video of the procedure. Nor would I propose legislation that would give me the ability to have the right to practice or control either of these things without an extensive college education. Parents are not trained to understand the scope and sequence of content instruction. They do not possess the understanding of child development and the instructional strategies that will best suit a classroom of 20 to 30 students. The requirement that teachers gain implied consent from parents of what they are uniquely qualified to do hampers their ability to provide quality instruction. What happens on a day when a teachable moment arises that was not in the plan made available seven days previous to parents? Does the teacher have to stifle creative thought because an inquisitive student poses a question that takes the discussion off track and was not anticipated seven days ago? Since when did parents become experts in the field of education? Furthermore, since when did the State Legislature become experts in the field of education? Many of you are educated. Without the education provided to you from your local schools, would you have obtained the status of where you are at? I doubt it.

The availability of surveillance cameras in schools has been one of the greatest things to support the safety and security of schools. Our school district has spent more than \$300,000 to install security systems to make it safer for students and staff. We have had threats to our school. We have had threats from students who state that they will bring a gun to school and "shoot up the school". We have had reports of knives in the school. We have had various contraband brought to the school. Security cameras have assisted us in catching these students. We use them "not to spy on kids and staff", we use them as they were intended which is to provide for school safety. We have installed security doors, security windows, and Barracuda security door devices that can be installed in a matter of seconds in emergency situations to protect classrooms against building intruders. Our school district also employs a School Resource Officer as well. School security is extremely important to our school district. We practice fire drills, tornado drills, and lockdown drills. To need parent approval before conducting these types of activities hampers our ability to use them and is irresponsible at best.

As an educator for over thirty years, I have seen a sad change in our society when it comes to education. There is a constant lack of trust in our ability to prepare tomorrow's leaders. Each year, we have more statutory requirements. Staff have grown tired of the constant barrage against our public schools. Many teachers have retired early or have simply left the profession. At some point, this constant barrage must stop. Have faith in your local schools. Every day educators work in the best interest of the children in

their community. I have yet to meet a teacher who doesn't believe in the ability of their students. Every one of them wants to bring out the very best in their students. Education is a profession. Let these trained professionals do what they do best.....teach our children to become productive citizens and tomorrow's leaders. Have faith in our teachers around the state. They are entrusted with shaping the future which is an important responsibility. Let them teach. If parents want to take over the profession, let them get the training and join our ranks of educators. We need all the help we can get, not constant attacks. Educators make a difference in the lives of our children. Across this country and especially rural America, there is a huge shortage of teachers. The more that you attack the profession with legislation that limits our ability to teach, the less people will want to become teachers.

I would be shocked to learn that any of you on the committee could make the statement that you didn't have teachers who made a difference in your own personal lives. Education is the one of the greatest professions. Assist us, don't hurt us.

I ask that the Committee give this bill a DO NOT PASS.

Respectfully submitted,

A handwritten signature in black ink that reads "Marc S. Bluestone Sr." The signature is written in a cursive style with a large, sweeping initial 'M'.

Marc S. Bluestone Sr.
Superintendent
New Town School District #1

Members of the House Human Services Committee,

My name is Bethany Gehrtz and I am writing in opposition to Senate Bill 2260. As much as I would like to be speaking in front of this committee today, I am submitting my written testimony as I will be teaching in my third-grade classroom at Prairie View Elementary School in Devils Lake. This is my fifth-year teaching at Prairie View and my eleventh year teaching. It is through my commitment to my job, my students, their families, and my family that I am urging you to consider the unnecessary burden that Section 2 of Senate bill 2260 would place on educators. I would like to share my personal story in hopes that it sheds some light on why parts of this bill would be so problematic for teachers.

Devils Lake used to have two elementary schools for grades 1-4. Half of the students from our district went to each school. There were, on average, three teachers per grade level at each building. Last year, it was decided to go through with a restructuring process and bring all six of the grade level teachers into one building. We now have a building that houses grades 1 and 2 and another building that houses grades 3 and 4. While we have had the same district provided curriculum, the two "teams" of third grade teachers taught the curriculum in different ways. This lends itself to the fact that boxed curriculums are not created by teachers and there are a lot of things that need to be supplemented, created, and tweaked to best meet the needs of our students. These needs change every year based on the students we welcome into our classrooms. As teachers and professionals, we take what the curriculum provides and make it best fit our students' learning styles.

This year has been an incredible year of collaboration between our two separate teams that have now come together as one. Every Monday we plan together for the next week because as educators know, it is best practice to adjust teaching to align with and use data driven instruction. We have meaningful discussions using our formal and informal assessment data to determine what needs reteaching or extension activities. Every week we are adjusting to our student's needs. We meet outside of our contracted hours to do what's best for kids. After we bring all the ideas to the table, we work together to create a plan using the best ideas. Each of us spearheads one subject area and prepares the materials that will be shared with the entire team. We make sure that we make our lessons engaging, relevant to student's real lives, and ensure that they are adjusted to better align with the specific state standards. On average, I personally spend a minimum of 10 hours per week outside of my contract hours preparing for my students.

When I read Section 2, 1.b, I don't see how it would be possible to have all these items prepared 7 days before an elementary class meets. In Devils Lake this school year had 6 days of in-service before the first student contact day. I would imagine this is similar to all school districts in the state. It would be impossible to expect a teacher to be ready to hand over an entire year's worth of "reading materials; handouts; videos; presentations; digital materials; websites; online applications... questionnaires; surveys; or other written or electronic materials that have been or will be assigned, distributed, or otherwise presented physically or virtually to students in a class or course" (Section 2, 1.b of Senate Bill 2260).

Teachers are prepared every day for their students but there is no way that this amount of preparedness is feasible. While this will be a problem for every teacher, I imagine the workload for a first-year teacher or one that is new to a grade level or district would be impossible. Teachers are constantly evolving their materials and resources as they find them throughout the year. There are thousands upon thousands of resources needed throughout the year.

While I would agree with a parent's ability to know what their children are learning, I do not believe this bill is going to make that any more likely. I cannot imagine a case where a parent would approach a teacher, principal, superintendent, or school board to request the curriculum and be denied. Our curriculum is easily accessible to anyone who requests it. Forcing teachers to have every single thing they will use seven days before the start of the school year ties teacher's hands in creating the best learning environment for their

children. It doesn't allow for flexibility to adjust, skip over things students have already mastered or provide enrichment or reteaching.

I would be curious to know the intention of this bill. Educators are required to follow state standards, district mandates, attend professional development requirements, pay for continuing education credits, keep licensure up to date and pass all licensing exams and requirements. We are professionals who are growing our practices every single day. It is placing an unnecessary burden on teachers, and it is not doing what is best for kids. I am going to leave you with one question: Would you be able to prepare every single thing you needed during the legislative session seven days before the session started?

I urge you to oppose Senate Bill 2260 in its current form. It is not sustainable for any teacher or student. There will be no flexibility or creativity in our classrooms because you will have our hands tied behind our backs.

Thank you for your time and consideration,

Bethany Gehrtz
3rd Grade Teacher
Prairie View Elementary School
Devils Lake, North Dakota



**North Dakota House Human Services Committee
Senate Bill 2260**

**Written Testimony of Matt Sharp
Senior Counsel, Alliance Defending Freedom**

Alliance Defending Freedom is the nation's leading nonprofit legal organization that advocates for religious liberty, free speech, life, and marriage and the family. We regularly analyze proposed laws and their effect on constitutional freedoms. ADF also currently represents families in several states who have personally suffered under government policies that deprive parents of their right to raise and educate their children consistent with their beliefs and values.

Everyone should care about how children are raised. They become our nation's leaders, after all. Everyone should also be able to agree that, in nearly every case, parents are best positioned to protect their children's health and welfare.

Parents take care of us before we can take care of ourselves. They bring us into the world. They teach us to walk, to talk, to love. They prepare us to enter society and live as upstanding citizens. Of all the people who share in shaping a child's moral character and the adults they become—from teachers and coaches to spiritual mentors, extended family, and others—parents have far and away the deepest and most enduring influence.

Therefore, our laws must protect the right and duty of parents to direct the care and upbringing of their children. We must support parents by giving them the tools and support they need as they nurture and prepare children for adulthood.

Sadly, we are seeing growing instances nationwide and even in North Dakota of government officials actively seeking to replace parents as the ultimate determiners of what's best for children. Some schools are indoctrinating students into divisive ideology that subject them to unequal treatment because of their race, ethnicity, religion, and other characteristics. Government policies are promoting a destructive gender ideology and even keeping students' mental health struggles secret from parents. And medical institutions are performing harmful, experimental procedures on children who experience a sense of disconnect between their sex and their internal sense of gender.

- A Madison Metropolitan School District policy instructed district employees to assist children of any age to adopt a transgender identity at school upon the child's request, without notice to or consent from parents. The policy required teachers and staff to conceal this action from the parents and even instructed employees to deceive the parents by calling the child by his or her preferred name at school but using the child's birth name around his or her parents to keep them in the dark.

- A 12-year-old student in the Kettle Moraine School District in Wisconsin was experiencing increased anxiety and depression, and a school counseling program pushed her to say she wanted to be a boy. Her parents wanted to give her time to work out her anxiety and depression, but school officials said that no matter the parents' wishes, they would refer to the couple's daughter by whatever name and pronoun she chose. The school blatantly ignored the parents' decisions regarding their child's mental health.
- A school district policy in Albemarle County, Virginia sowed racially divisive ideology into the classroom. The policy mandated classroom activities that demeaned and attacked students based on their race, ethnicity, and religion. It also forced them to support ideas that go against their beliefs. Parents are unable to opt their children out of lessons that include hostile racial stereotyping, and as a result, these children are being taught to judge everyone and everything through the lens of race.
- Parents with children enrolled in Harrisonburg, Virginia Public Schools were being excluded from conversations about their children's mental health, and teachers were forced to deceive parents about their children's struggles. Under district policy, teachers were required to affirm the school board's view on gender identity by using any name and pronoun a student requests. This policy also forbids staff from sharing this information with parents.
- And in Jacksonville, Florida, a family was devastated when they received a call that their elementary-aged daughter had attempted to hang herself in the bathroom at school. As the family pressed for answers from school officials, they discovered that their daughter had been struggling with gender confusion. The school had been pushing this confusion, referring to the young girl by male pronouns and hiding the young girl's struggles from the parents because of hostility against the family's faith.

And now, the same policies that have caused these and many more tragic and unlawful violations of parental rights are emerging in North Dakota. In December 2019, the North Dakota School Board Association adopted a model "Transgender and Gender Nonconforming Student Procedure" policy. The model policy (attached as Appendix A):

- Requires the school to "use the name and gender by which the student identifies;"
- Prohibits school staff from "disclos[ing] any information that may reveal a student's transgender status to others, including parents or guardians...;"
- Compels the school principal to "privately ask the transgender or gender nonconforming student how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian;" and

- Forces school staff “when communicating with parents of transgender or gender nonconforming students” to “refrain from the use of gender pronouns and refer to the student by name when practicable.”

This NDSBA policy would result in North Dakota parents being excluded and even lied to about their child’s mental and emotional health.

At least one school district—the McClusky School District #19—has adopted the NDSBA Transgender and Gender Nonconforming Student Procedure policy in full. (See Appendix B). Others may have done so secretly, as is often the case with policies like these.

SB 2260 will help stop policies that undermine parental rights and harm children from spreading throughout North Dakota. Parents’ choices about how best to raise their children should not be ignored or overruled by school officials. Instead, it is in kids’ best interests for parents to be involved any time a child faces serious issues at school, whether academic, social, or mental or emotional health. Parents love and care for their children far more than any government bureaucrat will ever do. And parents must be immediately informed when such issues arise so that they can help their child navigate and overcome any challenges.

SB 2260 will protect North Dakota families by doing three things:

First, the bill recognizes that parental rights are fundamental rights—co-equal to other fundamental rights like free speech or the free exercise of religion. As a result, the government may only interfere with parents’ decisions when it has a compelling reason to do so, such as protecting a child from physical abuse.

Second, the bill expounds on the scope of parental rights, including decisions concerning a child’s education, moral and religious upbringing, and health care. It ensures that parents are empowered to make decisions regarding their child’s physical and mental health. It requires schools to be transparent about what they are teaching children and to respect parents’ wishes when it comes to divisive and potentially harmful issues including gender ideology that conflicts with the families’ beliefs and values.

Finally, the bill provides a legal remedy for families whose rights are violated. Otherwise, families may be left with no recourse when the government tramples their rights.

Fourteen other states have enacted laws like SB 2260 that help to protect parental rights against inappropriate government intrusion. By passing SB 2260, North Dakota would join these states in restoring parental rights to a “top-tier” right and would take a strong, principled stand with parents throughout the state.

Parents love and know their children best. While the state has an interest in promoting the education of children and protecting their health and safety, it must pursue those goals in a manner that respects the rights of parents. SB 2260 ensures that state and local officials respect the unique role and authority of parents to raise and train their children.

Appendix A:

Model North Dakota School Board Association Policy FDI-AR

Adopted Dec. 9, 2019

TRANSGENDER AND GENDER NONCONFORMING STUDENT PROCEDURE

This administrative rule serves as a guide on how to best support the needs of the district's transgender and gender nonconforming students and their families. This regulation does not anticipate every scenario and situation that may occur with respect to transgender and gender nonconforming students, and not all transgender and gender nonconforming students' needs may be the same. Therefore, administrators are encouraged to discuss these issues with each transgender and gender nonconforming student and their families on a case-by-case basis to determine how best to support the student within the parameters of this administrative regulation.

Student Transition Meeting

The principal or designee shall request a meeting with the transgender or gender nonconforming student and their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity.

The goals of the meeting are to:

1. Develop an understanding of the student's individual needs with respect to their gender expression or gender identity, including any accommodations that the student is requesting or that the District may provide according to district policy and procedure, and/or under state and federal law; and
2. Develop a shared understanding of the student's day-to-day routine within the school so as to foster a supportive relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require the student to attend a meeting as condition of providing them with the protection to which they are entitled under district policy and procedure, and/or state and federal laws regarding gender expression or gender identity.

Official Records

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District must change a student's official records to reflect a change in legal name upon receipt of documentation that the student's legal name has been changed pursuant to a court order or through amendment of state or federally-issued identification.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, i.e., rosters, student ID cards, or awards, the District must use the name and gender by which the student identifies.

In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff shall adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

Privacy/Confidentiality

The District shall ensure that all personally identifiable and medical information relating to a transgender and gender nonconforming student shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff, unless legally required to do so or the student has authorized such disclosure. In the rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make the disclosure themselves, where practicable. This would include providing the student with any support services the student may need to make the disclosure in a safe and supportive environment.

Communication and Use of Names and Pronouns

The principal or designee shall privately ask the transgender or gender nonconforming student how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information shall be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information shall be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees shall focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity. When communicating with parents of transgender or gender nonconforming students, school employees shall refrain from the use of gender pronouns and refer to the student by name whenever practicable. The District shall not condone the intentional and persistent refusal to respect a student's gender identity, or inappropriate release of information regarding a student's transgender status.

Dress Code

The District shall allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress code adopted at the student's school of attendance and within the constraints of the district guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). The school dress code must be gender-neutral and shall not restrict a student's clothing choices on the basis of gender.

Restroom Accessibility

Students shall have access to a restroom that corresponds to their gender identity. A student shall not be required to use a restroom that is incongruent with the student's

gender identity. Where available, a single use bathroom may be used by any student who desires increased privacy, regardless of the reasons. The use of a single use bathroom shall be a matter of choice for a student, and no student shall be compelled to use such a bathroom. Use of restrooms by transgender or gender nonconforming students shall be determined on a case-by-case basis depending on specific circumstances.

Locker Room Accessibility

Use of locker rooms by transgender or gender nonconforming students shall be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities, and ensuring the student's safety. In most cases, the district shall provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions include, but are not limited to:

1. Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby restroom); or
2. A separate changing schedule (i.e., utilizing the locker room before or after the other students).

Any alternative to locker room conditions shall be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, shall be required to use a locker room that conflicts with his or her gender identity.

Physical Education, Athletics and Activities

Students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics and activities in accordance with the student's gender identity. Participation in high school interscholastic athletics and sports is governed by the [North Dakota High School Activities Association](#), which has its own policy with respect to transgender student participation. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight trips, shall be addressed on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity and expression.

Appendix B:

McClusky School District #19 Administrative Regulation FDI-AR

TRANSGENDER AND GENDER NONCONFORMING STUDENT PROCEDURE

This administrative rule serves as a guide on how to best support the needs of the district's transgender and gender nonconforming students and their families. This regulation does not anticipate every scenario and situation that may occur with respect to transgender and gender nonconforming students, and not all transgender and gender nonconforming students' needs may be the same. Therefore, administrators are encouraged to discuss these issues with each transgender and gender nonconforming student and their families on a case-by-case basis to determine how best to support the student within the parameters of this administrative regulation.

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In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff shall adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

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bathroom shall be a matter of choice for a student, and no student shall be compelled to use such a bathroom. Use of restrooms by transgender or gender nonconforming students shall be determined on a case-by-case basis depending on specific circumstances.

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1. Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby restroom); or
2. A separate changing schedule (i.e., utilizing the locker room before or after the other students).

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End of McClusky School District #19 Administrative Regulation FDI-AR

[06/19]

I am writing in opposition to SB 2260. As a science educator with 15 years of experience, this bill is a nightmare. Gone will be the days when I can use current and natural phenomena to pique my students' interest. Instead of being able to inform students of things such as the possibility of Northern Light viewing, I will wait the required three days until I can make sure the information is first provided to parents.

If a student were to ask a question relating to, but perhaps slightly adjacent to the current topic, am I expected to ask them to wait so that I can provide adequate notice to their parents? This will cripple my ability to engage my students in scientific inquiry.

Additionally, Section 2, part 2, b1 requires that my completed course syllabus be submitted seven days before the start of the semester. As a professional educator, I am required to continuously engage in professional development. At one such experience, I recently learned of the AI program ChatGPT. As written, no flexibility would be left for me to alter my course of study to include this newfound knowledge.

As stated, parents may "Review, copy, and record all curriculum for each class or course offered by the school and any teacher training materials at least three days before use of the curriculum or teacher training materials". Is this to include any assessments that their student would receive and if not, where is my interpretation wrong?

Each year, as more restrictions are placed on educators, it becomes harder and harder to follow my career passion. As teachers, we dedicate our lives to youth. Please allow us to continue to give our time to the students. Parents are welcome. In 15 years, I have had one (non-educator) parent sit in my room to observe a lesson. This bill is not the way to increase parents' involvement. If they want to be involved this is not the way to do it. This is an agenda that will only serve to drive more teachers out of education.

Anna Block, M.Ed.
Science Educator
Hettinger Public School

House Human Services Public Hearing

SB 2260 Opposition Testimony

March 22nd, 2023

To Whom It May Concern:

My name is Emily Schaefer, and I am the high school science teacher at Glenburn High School in Glenburn, North Dakota. I am writing to testify in strong opposition to SB 2260. I am in my 11th year of teaching science in Glenburn, and I am deeply frustrated with this bill and the unrealistic expectations that it places on the teachers in this state. This is an example of a bill that I believe demonstrates a fundamental lack of understanding by the North Dakota state legislatures about a teacher's role in the education of students in our state's public schools. This bill would severely limit teachers' ability throughout the school year to modify and adjust their lesson plans to better support the educational needs of their students. Students' education cannot be held to such inflexible standards, where teachers do not feel they can deviate at all from the plans they set at the beginning of the school year or must wait for weeks for approval from parents if they need to make a change to their planned lessons or activities.

Passing this bill would be setting up the teachers in our state for failure. The idea that a teacher, even if they only have one class to prepare, would have their lessons planned out so

rigidly with every possible resource they could even think of using for the entire school year a week before the school year starts is preposterous. The majority of teachers in our state teach multiple different classes each day. I have accumulated a plethora of resources in my 11 years of teaching, and each year I find new resources to include in my curriculum to replace older ones or use in addition to those previous resources. I often find those resources throughout the school year after attending professional development. I consistently tell my students when I am using a new activity, and that it may not work out but that is what happens in science. We try new things, and if they won't work, then we try something else. That is how science works and that is how education works as well. As a teacher, I must be able to make adjustments to my lessons based on the current needs of my students, not just what I think they will need in July or August. It would be a grave disservice to my students to just let an activity fail and then tell them we have to wait at least a week before we could try a different activity, if we can try one at all. Expecting that I would be able to have my entire school year planned out for the 5 different classes that I teach daily to account for every possible adjustment or modification that could possibly be needed is a ridiculous notion.

I create my lesson plans every week, based on the goals for my unit plan and my overall year plan to cover the science content standards. I base those plans on how the previous week went and why my goals are for that week and even looking to the following week. I used the curriculum adopted by the school after careful consideration and review. I look at the resources and lesson plans from the previous year from the similar unit, along with any notes

I made about those lessons, and make any changes that I feel are appropriate based on how the class is currently progressing. I submit those plans to my principal Monday morning, and by the end of Monday there will already be a change in what I had planned for the week. Maybe an assessment I gave on Monday in Chemistry didn't go well, so I need to take time on Tuesday to reteach instead of moving on to the next lesson. We all know the weather can cause issues. If our school starts late on Wednesday to make sure that everyone can get to school safely, I'm not going to have my 1st or 2nd hours, so now that is going to mean adjustments to the rest of my week. These are just two scenarios that would cause a change in my plans that I had made over the weekend to get ready for the week.

Parents/guardians have an important role to play in their children's education. Teachers need parents/guardians to support their child throughout their education in school, and communication about what is being taught is important. I prepare a syllabus that I go over with my students at the beginning of the year that outlines the topics and content that they will learn in my class. That information goes home to the parents/guardians, where they can review it and I welcome them to reach out to me if they have questions about the content. I want my students' parents/guardians to know what they are learning in science, and also understand the how and why behind my instructional practices and strategies. As a teacher, I am not trying to hide anything from

Teachers must have the flexibility to make adjustments in their classroom instruction and curriculum based on data they have collected in their classrooms. Teachers use all kinds of data to make adjustments to their teaching every day. It would not be fair to our students to restrict teachers to a plan they made in August and not being able to make the needed adjustments to their units in October for the benefit of their students. That is a point that must not be lost in all of this discussion about public education in the state legislature: the students. Every single student in the North Dakota Public School system deserves a quality education, and that cannot be achieved by subjecting teachers to such rigid and unreasonable expectations.

I have a Bachelors of Science in Chemistry Education and a Masters of Education In Curriculum and Instruction in Science Education. I participate in professional development each year to become a better teacher, so I can find ways to increase the educational success of my students. I talk to other science teachers around my area and the state to get new and different ideas on how to teach a topic. I need to be able to bring in those new ideas, make changes during the year to how I'm teaching the content to help my students become better learners. I have put in the work to learn and grow as a teacher; to understand when I need to make changes in the best interest of my students. I do that by taking everything that I have learned from my education degrees and applying that every day to be as effective as I can be for my students. It is all about the students.

As a teacher, I want to provide the absolute best educational experience that I can for each and every one of my students during the year. SB 2260 would seriously limit the educational opportunities for students in North Dakota public school and so I am in vehement opposition to this piece of legislation.

Respectfully,

A handwritten signature in black ink that reads "Emily Schaefer". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

Emily M. Schaefer

7-12 Science Teacher

Glenburn Public School

Dear Senators,

As a veteran high school mathematics teacher, I am adamantly opposed to SB 2260. First and foremost, the level of planning of curriculum, supplementary curriculum, activities, speakers, videos, and field trips seven days before the start of a course is unrealistic and would be an additional burden placed upon an already stressed out profession. Teachers began a school year with a general overview of what they hope to accomplish in a course. However, this is affected by many factors that they are unaware of before they start the course. For example, each class of students each year will interact with the same teaching material differently. Some students are more prepared and mature, and this enables the teacher to move faster through the coursework and add in additional projects or activities to enhance their learning and challenge them at their ability level. Other years, a class may require remediation, especially after COVID, which means that a teacher will need to move slower and seek out supplementary instructional material. This bill would not allow a teacher to react in real time to what is needed to provide the best learning experience for his/her students. Since they had not listed these materials on the syllabus at the beginning of the year, the teachers would not be allowed to use best teaching practices to teach their students. If they did so, the teachers risk a potential lawsuit if a parent, who most likely is not a trained teacher and does not understand the reflection that goes into good teaching, challenges what they are doing.

This bill would require teachers to spend personal, unpaid time to meet this level of disclosure as no school district has the means to pay for these additional hours. A newly hired teacher fresh out of college would need to complete this before even receiving a single paycheck! Heaven help the teacher if they were hired in a small school like mine where they normally teach 6 different classes! This bill alone would be another significant reason to not go into teaching when our profession is in desperate need of an influx of new professionals.

As for other parts of the bill, things such as livestreaming concerts and athletic games would be a thing of the past as all students would need to have written permission filed with the school for it to happen. Many of the elderly who have come to rely on livestreaming to watch their grandchildren participate in various activities will no longer have that access.

Overall, Senate Bill No. 2260 is an extremely bad bill. It would put undo burdens upon both teachers and schools. It would provide parents more grounds upon which they could sue teachers. This bill's unintended consequences will be even more teachers leaving the teaching profession and schools with not enough teachers to teach their students.

Sincerely,

Jacqueline Zikmund

Midway Public School



2023 Senate Bill no. 2260
House Human Services Committee
Representative Robin Weisz, Chairman
March 22, 2023

Chairman Weisz and members of the House Human Services Committee, I am Danielle Thurtle, a board-certified pediatrician and pediatric hospitalist with Sanford Health Bismarck. I testify in opposition to Senate Bill 2260. We ask that you give the bill a **Do Not Pass** recommendation.

While some of the amendments in the engrossed bill lessen some of our concerns, we still are very troubled about the negative effects this bill would have on medical care for children, including delaying care and inviting litigation against health care providers by parents. If the purpose of the bill is to deal with a concern that a specific health care provider is denying or interfering with the right of a parent to direct medical treatment for a child, then there are means to deal with that such as by the medical licensing board or the local health system or clinic office. Otherwise, I am not aware of any specific problems that this legislation is trying to address.

I understand that the intent of this bill is to put a focus on "parent rights". But I am very concerned that such a focus ignores the rights and medical needs of children. Instead of putting the child/teen first when we provide medical care, providers will have to worry more about a parent's rights. This will leave health care providers vulnerable to manipulation by parents. We have to always put the right and wellbeing of the vulnerable patient in front of us first. I, unfortunately, encounter situations where parents are not working together for the best interest of their child. Some parents are uninterested in their child's life or are completely absent. Others are more interested in causing each other frustration than in cooperating to make important decisions about their child's health care. These problems can delay care while the health care provider is left to sort out parents who are truly not acting in the best interests of their child.

I want to assure you that it is a long-established principle that, before treating a patient, a health care provider must obtain the consent of that patient. The idea that parents should have the right and responsibility to make health care decisions for their children seems eminently reasonable. Before treating a minor patient, consent must be obtained from the patient's parent or legal guardian. This seems straightforward but this bill will interfere with that long-established practice

and cause more problems than it solves. Some parts of the bill conflict with each other, some would prevent any modification to long standing North Dakota law regarding minors' ability to consent to their own treatment in certain circumstances, and other provisions of the bill are simply unworkable.

The bill has conflicting provisions regarding whether consent of both parents or just one parent is required before a health care provider may treat a minor. Section 1 creates a right of all parents to make and consent to health care decisions. Section 3 indicates that we only need the consent of a parent (not plural) before proceeding with treatment. But section 3 further creates a cause of action for a parent if they think their rights have been violated. It is unclear if two-parent consent is required. This internal inconsistency means it would be risky for a health care provider to treat a minor unless both parents give consent. To do otherwise exposes a health care provider to a lawsuit by a parent who claims the provider did not meet the requirements of Section 1.

The section regarding getting consent via telemedicine is also not workable. It states that if the parental consent is given through telemedicine, the health care provider must verify the identity of the parent at the site where the consent is given. It is unclear but it could be read to mean that, if the parent is at home during the telemedicine visit, the provider would have to go to the parent's home to verify the identity of the parent. This was probably not intended but, if that is how it is interpreted, it would defeat the purpose of having a telemedicine visit.

I believe this bill will also result in delayed care to minors. Prior consent of both parents for everything, even routine services such as when a health care provider takes a child's temperature, looks in her ears, and listens to her heart as part of a well child visit, or when seeing a child for a minor illness, is simply not practical and adds another burden to our health care system. Do we really want every single health care service, treatment, and prescription for a minor to require both parents' consent? Or, if a health care provider cannot locate both parents, what constitutes a "reasonably diligent effort" under the exception on page seven?

Section 1 of the bill would also require a substantial and concerning change regarding reporting of child abuse and neglect. As you probably know, health care providers are mandated by state law to report suspected child abuse and neglect. The bill provides that a parent has the right to be notified promptly if the government or "other institution" suspects abuse, neglect, or a criminal offense has been committed against the child. Hospitals are arguably included in the definition of "other institution" but it is not clear because the only other entities listed are government entities. It is not clear if "other institution" only refers to a government institution. If hospitals are included, how and when are they required to notify the parents of suspected abuse or neglect? Must both

parents be notified? What if both cannot be found? What if one parent is the alleged abuser, must the other parent be notified?

I am also afraid of how this will impact standard visits with teens. It is recommended by the American Academy of Pediatrics to have part of the teen wellness visit without parents in the room. We do ask sensitive questions about depression, sexual health, etc., during this part of the interview and the teen is free to ask questions. I never "force" a parent out of the room, but I would want to make sure this is still allowable.

The bill's provisions that codify the exemptions for when minors may consent to their own health care are also unclear. Would a minor have to state they are being seen for that specific purpose for us to waive the consent? Abdominal pain in teenagers (especially females) is often related to sexual health in some way - it could be pregnancy, cycle issues, or a severe sexually transmitted infection. There is NO way for the teen (or provider) to know this ahead of time. Additionally, putting the burden on the teen to say they are there for a sensitive issue seems cruel. The bill also would not allow any additional exceptions to be added. There may be other situations in which it may be more important for a young person to have access to confidential medical services than it is to require that parents be informed of the situation. We should not limit our ability to appropriately react to situations that may arise in the future.

This bill is also simply unworkable in the burden it would place on health care providers to protect themselves from potential lawsuits unless they secure prior consent from both parents to all health care services, even routine examinations or prescriptions. And while we agree that parental involvement is desirable and ideally parents and teenagers would work together to make well thought out health care decisions, the reality is that if we take away access to confidential health care in certain situations, teenagers simply will stop seeking the care they need.

For these reasons, we ask that you give the bill a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Danielle Thurtle, MD

Mr. or Madam Chairman, and members of the committee, my name is Monica Meadows from New Rockford. I am currently a teacher at New Rockford-Sheyenne Public Schools and have 2 children that attend school in the district. I am in opposition to this bill for several reasons both as an educator and as a parent.

I would like to mainly address section 2 of the bill which concerns parental involvement in reviewing all curricular material that will be available to students in a class at least 7 days in advance. One concern that I have is the amount of extra work this puts on teachers to develop written descriptions of all topics and subjects presented in class and lists of all curricular material used. As a teacher for 11 years, I have yet to have a day go by that I haven't deviated from my lesson plans. This is not due to incompetence but by responding to how my students learn. Checking for understanding avoids redundancy or frustration. A 7 day deadline would lock teachers into a plan that by its design needs to be flexible and reactive to the needs of the students. The added, invisible mental load on teachers would be significant as we would always be thinking about where we would be or where our students might be in 7 days.

I also want to address the availability of curricular materials. If posted digitally or given to parents or potentially the public, would students have access to exams they will be taking in 7 days? I want my students to know the information on their assessments but I don't want them to have a copy of the exact questions. Parents could also misunderstand and oppose the curricular material without context or full understanding of the subject itself. As professionals mandated to be certified through testing for our specific content area, teachers have the training to make decisions about how to teach in our classrooms.

Some other questions in regards to expectations for student access to online content. Would students have access to websites for research because they weren't listed in the curricular material? Would websites that are constantly changing like news or scientific journal sites be allowed? Would we turn away relevant learning experience because a student asks about the European Adder and the website is not apart of the curricular materials that I needed to post 7 days ago?

I become disheartened when I think about the decrease in flexibility to take advantage of these authentic learning experiences. As a science teacher in a small school I have to teach to the standards put forth by the state in creative or unconventional ways. Often our learning opportunities arise in the form of a parent who is a nurse and can teach my students how to take blood pressure, field trips around town to find lichens, or coding projects that provide a brain break in the last 10 minutes of class. We already have procedures for our administration to approve and supervise these activities. We have observations several times a year in our classrooms. We have lesson plans that state the standards covered and objectives for each lesson. We have professional development that helps us adopt research-based, evidence guided practices that have shown to be what is best for our students.

What this bill is requiring of teachers and schools - is not what is best for our students. It adheres teachers to a rigid plan that doesn't serve the students, the teachers nor the community. Contrary to the claim of the bill, I would argue that the intention of a bill that encourages parents to suspiciously examine all curricular materials in advance is to foster mistrust between parents and teachers which will ultimately harm the quality of education the children will receive. While many rural teachers have the freedom to choose how to teach their content, some of us are teaching 4 or 5 different subjects per day. On top of that, we may have meetings in the morning, over our prep time or after school in addition to our instructional time in the classroom. Any additional time spent on detailed lists of all topics, subjects and activities would be on our own time.

Schools are made up of a diverse group of people that have incredibly different life experiences. If we attempt to scrub our curriculum of these unique perspectives, we squander the opportunity to see the world in a different way. I believe that this bill is an attempt to interject politics into the classroom. It could be used as a tool to reduce the position of a particular political viewpoint held by a parent or group of parents. The parents with strong political or ideological views may try to push their agendas onto schools, leading to a lack of balance and diversity in the curriculum.

Therefore, I believe that this bill would exacerbate the already significant strain on schools and those in the teaching profession in North Dakota. This bill restricts the ability for teachers to teach. I believe that this bill will drive more teachers out of the classroom or out of the state. Instead of improving the quality of education

students receive, this bill would degrade the expertise of teachers and deprive students of meaningful learning experiences.

Thank you for your time.

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in opposition to Senate Bill 2260. I ask that this bill should not be passed.

I do believe that parents should be involved in the classroom and should be helping teachers throughout the year, but at what point do we draw the line? This bill's requirement of teachers are not only giving them more to do, but it is also telling them that their degree means nothing in the eyes of the parents.

As a fresh graduate finishing up my first full year of teaching I begin to question the purpose of the 5 years of education I went through. If parents begin to control all of the lessons being taught in class, what is the point of my experience? I understand that as a whole we should be working together, but that is what constructive feedback is for. I undergo trainings as well as observations to ensure that I am doing my job to the best of my ability.

I have always been told that a good teacher will have a plan, but a great teacher can change their plan on the spot to accommodate their students. There have been instances where I have changed my plans to correlate with the local music events or dive deeper into student interests. By waiting 3 -7 days to adjust my plans, the students light of interest can start to burn out. As great teachers, we should be able to talk with students about the topics that interest them during the time they show interest.

As a new teacher and a lifelong learner, please do not hold us back from inspiring students.

Please do not pass this bill.

Thank you for your time,

Morgan Hutzenbiler
K-12 Music Teacher

SB #2260

68th Legislative Session

Senators: Paulson, Lemm, and Wobbeman

Representatives: Dyk, Heilman and Novak

My name is Kristie Miller, I am opposed to SB #2260.

In reading SB #2260, I do not understand why this bill is even being introduced. As a parent and guardian of children that reside with me, I already have natural authority over my children. In the instances mentioned, such as education, health care and mental care are already under the parental rights.

Schools are already mandated reporters of suspected abuse. Parents can already take their own children out of school for religious reasons, participate in parent/teacher's conferences. There is already a general practice for schools to notify parents of children's grades, concerns or behavioral issues.

I do believe that parents wanting to review a syllabus and look at a copy of all curriculum is unnecessary. What is the purpose of this? How would the school address a situation where some parents approve of the curriculum, field trips or assemblies and some parents do not approve of the curriculum, let alone field trips or assemblies?

I do take objection to the fact that parents are to give written consent three day prior to a teacher presenting to their class material that relates to gender roles, stereotypes, gender identity, gender expression, sexual orientation, or romantic or sexual relationships. What are the authors of this bills afraid of? From what I can understand, this bill is taking aim at the LGBTQAI community. There is nothing wrong with educating the youth of North Dakota that there are people on this world who are not like themselves. School is a place of educating, learning and asking questions. Why are the authors of this bill now seeking to restrict the youth of ND on social norms, diversity issues and the children's ability to express themselves freely?

Learning isn't a harmful thing. Becoming educated and enlightened only makes for a well-rounded and socially aware person. People who are exposed to a diverse population learn about others who are like themselves, develop an understand of people which in turn eliminates myths and false stereotypes depicted by social media and harmful gossip. Fear and misnomers thrive in the absence of knowledge and education. What this bill promotes is keep the youth ignorant. I ask you what happens to the kids who go to college outside of North Dakota and realize that their education wasn't diverse?

I am a parent of a transgender person in North Dakota. I helped my child disclose to the schools and worked with the schools principal. As a parent I helped my child inform the school's what name and pronoun my child wanted to be referred by in class and in all ways at school. Now I understand not every parent is as accepting but you must understand that this bill is not helping the schools or the student.

SB #2260

Contrary to what some believe, there is no big push to convert cisgender youth to become transgender or queer. First of all, that's not a thing. No one can manipulate another to become queer or transgender. People in the LGBTQAI are born queer/transgender. The people in the LGBTQAI community were not brainwashed, groomed or manipulated by a teacher, parent, babysitter, social media or any other means to become who they are today. That is the false narrative that Fox News airs, people on Facebook spew as well as people who lack knowledge of the LGBTQAI community.

I have to wonder how the authors of this bill think the youth of ND undergo surgery, get a doctors appointment, get medication, get to the clinic all without a parents/guardian's help? As a parent I had to drive my children to the clinic after I made the appointment. Once at the clinic, the staff ask for information which also requires me to produce an insurance card, a co-pay and verify certain information which also includes a signature to assign who was the person who guaranteed payment for all practices/procedures. No child can sign themselves out of school without a parental permission let alone seek and get medical treatment here in North Dakota. That isn't a thing. Medications also are not a thing in which a minor can just walk into a pharmacy, request medication and get the medication. The same goes for mental health care. None of these things can happen without a parents involvement. Again, what were the authors thinking when drafting a bill like this?

We all know that medical and mental health providers follow a code of ethics and the first thing is to "do no harm" to their patient. As a parent of a transgender person who went to all the doctor visits, counseling, picked up the medication, made all the appointments and paid for the care, I do not understand why a law has to be enacted to do what already is in place. Doctors do not make it a habit of pushing treatment or medication onto a person and where minors are concerned, a parent's permission is always required.

For the record, my daughter never arranged for medical care or counseling without my knowledge and help. The same goes for medication.

Religion should not be used as a weapon. Parents can encourage kids to go to church but not to the extent where the child suffers or becomes distressed. It is not ok to force a person to be a part of a religion when that religions ideology is harmful and humiliates a person. That's not religion that is torture.

This bill isn't necessary. Best practices are already in place and this bill makes schools and healthcare providers out to as they have an agenda to convert the cisgender population to queer/transgender people.

I believe if the authors of the bill would have reached out to the LGBTQAI community and asked parents in this community how they navigated schools and received care from health providers, the authors would have seen recognized that there is no need for a bill such as this.

I encourage you to vote DO NOT PASS.

Respectfully,
Kristie Miller

Hello, my name is Sarah Ricks, and I have been a resident of Dickinson, North Dakota for the past ten years. Since moving here in 2013, I have been involved with the public education system, first as a school board member and chair, then as a teacher, and now as an assistant principal. While I believe the intentions of SB2260 to be good, the implementation of this bill would result in less positive community involvement, less innovation, and additional burdens for school staff already stretched thin in the midst of teacher shortages.

The section of this bill which is most concerning is section 2,b(1) which states that parents have the right to "Review the syllabus, curriculum, and teacher training materials for each class or course that a parent's child is enrolled in at least seven days before the start of each class or course. The syllabus shall include a written description of all topics and subjects taught in a class or course, a list of all curriculum used in the class or course, the identity of all individuals providing in - person or live remote instruction in the class or course, and a description of any assemblies, guest lectures, field trips, or other educational activities that are part of the class or course;"

This section essentially requires that all decisions regarding materials, guest speakers, and educational activities are made before the school year begins for K-8 classes, or before each semester begins for 9-12 classes. Anyone who has taught knows that while teachers may spend their entire summer planning out their school year, there are always curveballs which require a teacher to adjust and adapt. While the broad knowledge and skills to be taught in any course are known before the year begins- as written in the North Dakota State standards- the how and the what of day to day are constantly in flux in response to the needs of the students and community. This bill would prevent a caring teacher, who, noticing some students are struggling to grasp algebra, would like to supplement the algebra math book with the hands on equations materials because it wasn't listed in the syllabus beforehand. This bill prevents the business owner who has newly relocated to North Dakota from presenting at career day because he wasn't listed as a guest speaker on the syllabus at the beginning of the year. This bill prevents the use of brand new high-interest books for struggling readers, acquired through a grant, to be used because those books weren't listed as materials at the beginning of the year. This bill prevents a teacher from using a better video to explain the water cycle than the one they used last year, because they came across it only two days before their water cycle lesson.

What proponents of this bill may not realize, is that there is no set materials list for a public education course, because good public school teachers are constantly refining their lessons, adjusting their plans based on student performance, and responding to the desire of their community to be involved in their school. Allow me to use a personal example to illustrate. This bill would have prevented me, as a fourth grade teacher, from taking my class to a nearby nursing home where students interviewed residents about their lives growing up. Students learned what it was like to grow up without electronics, or in some cases even running water. Students then wrote essays comparing and contrasting the experience of growing up then and now as part of a social studies unit and in order to practice informational writing skills. This was not something that was planned before the school year started. It arose out of meeting someone who worked at the nursing home at the same time I was trying to figure out how to better motivate my students in their writing efforts. Many of them were not doing well in their writing and I had identified the lack of authentic audience and purpose as a roadblock. Parents were required to sign a permission slip for the field trip- a common practice in schools. Parents volunteered to help walk students to the nursing home and supervise them while we were there. This sparked a year-long relationship between nursing home residents and 4th graders involving letter-writing, caroling, ornament and card-making, and even tears at the end of the year. What parent would not want such a positive, and community-oriented experience for their child? Yet, had this bill been in place when I taught 4th grade, it would have been impossible to implement.

In addition to stifling creativity and innovation for teachers, this bill creates a burden on schools to try and list every possibility when creating a course syllabus. Schools would need to create a syllabus so

all-encompassing as to be almost meaningless and unusable. If schools list every possible material, every possible substitute teacher who may teach the course, every possible educational video clip that might be shown, etc. then I doubt that much useful information could be gleaned by parents from such a glut of information. However, failure to list something which might make an appearance in the course and therefore could result in lawsuit according to this new legislation would inevitably lead to long and burdensome lists such as these.

Parents in North Dakota are already blessed with a great deal of local control through their elected school board officials. As someone who has lived in a few different states, the local control and small government structures of North Dakota are something I appreciate and am grateful for. Because of this local control, school board policies already protect the rights of parents to have a say in matters of safety and belief by requiring parental permission for many aspects of the educational experience. North Dakota curricular standards already provide transparency for what students are learning when they attend public schools. This bill ties the hands of educators and prevents them from doing their best in favor of doing what is written in a proscriptive document created at the beginning of each school year. It prevents public schools from adapting and changing to meet the needs of students and communities. It creates barriers to community involvement in schools. In short, please vote no on SB2260.

3/21/2023

To whom it may concern,

I am writing in opposition to SB2260.

My name is Rae Ireland. I hold an AA, AS, BS-Elem-Ed, and a MS-SpEd-LD and considered a Highly Qualified teacher in the state of ND. I have been teaching for the past 17 years and I have taught in ND for 16 of the 17 years.

I will begin by saying that the occupation of teaching is one of the hardest, most underpaid and least appreciated occupations in our state and our country. There are many hours that teachers donate to the profession above and beyond the normal 8-4 work hours. There are many dollars that teachers spend out of their salaries and pockets to ensure their students have what they need and all of the extra things above and beyond what a classroom budget can afford. But no matter how hard teachers work, no matter the many, many hours that teachers donate without pay, no matter the amount of money a teacher puts into the classroom without reimbursement, teachers are constantly being scrutinized.

The expectations of a teacher today are unrealistic. Teachers today are expected to be miracles workers. When tests don't show the numbers expected, schools are penalized and the requirements of teachers goes up, yet again. It seems to be never ending. I think that somewhere down the line, its forgotten that we teach children. Every child is not going to learn at the same rate and what is a big gain for one, may be a small gain for another. It's we call diversity.

So now comes SB2260, which just adds more requirements that schools and teachers don't need added to their already complex lists of requirements. At this point, we are working hard and are following the requirements at hand so to add more onto schools and teachers is going to be detrimental. We are at our limits. We struggle with parent/guardian involvement in our schools as it stands without SB2260. This bill would just add more work for the teachers and school and would take away precious time that we could be using to further the education of our students. On the flip side, this bill would add more work, more stress and would add conflict amongst schools, teachers and parents/guardians over lesson plans, curriculum, materials, presentation, assessment and things that are not up for debate. To put this plainly, this bill will open a can of worms that will not end well.

Many teachers are getting out of teaching because teachers and schools are less supported and expected to perform miracles. Teachers aren't doing their jobs if they have a fourth-grade student who is scoring low and trying hard but still cannot gain 1-3 grade level in one year to reach the same level as their peers. It isn't because the school or teachers or students haven't tried hard enough but it's the straight fact that every kid is not the same and doesn't learn at the same rate of their peers. It's called diversity. The last time I checked all students are not the same so why do we keep

expecting the same test results for all of our students? If there's a miracle formula or something we can take and use to pull all of our students up to grade level that would be GREAT, in the land of perfect. We don't live in the land of perfect, we live in the land of diversity. So with diversity, we can have one classroom with 15-20 different levels of learning and we, as teachers, are expected to do miracles so that all of the students finish off the school year at their respected grade level with all of their peers. That hasn't happened in the past and I'm certain that it won't be something that will be happening in the near or far future. Again I must re-iterate...We are not miracle workers but we are dedicated to do our best each school day to teach our students from where they are, up to the next level of learning, no matter how long that takes and still treat each student with respect and dignity.

Finally, teacher shortage is one of our major problems in ND and in our country. Passing this bill would discourage teachers in the field even more to go into new fields or take jobs in other fields because of the lack of support for hardworking schools and teachers. If you think teacher shortage is an issue now, pass this bill and you will see the decline of education and the lack of teachers we have now will not compare to the teacher shortage that we will be facing in the future due to the lack of support for our schools and teachers. As you vote, consider all the detrimental effects this will have now and, in the future, and do the right thing and vote No on SB 2600
Thank you,

Sincerely,
Rae Ireland, MS-SpEd- LD, BS-ElemEd
Box 462
Mandaree, ND 58757
raevallieireland@gmail.com
rae@mandareeschool.org

Dear Chair Weisz and the members of the House Human Service Committee, I urge a "Do Not Pass" on SB 2260. I think that it is fundamentally wrong, ignorant, and hateful to try and pass a bill in which it would give permission for a parent to not raise their own child, based on their sexuality alone. How dare you think that is a moral thing to sign. I am the sister of two LGBTQ+ brothers, and I am also a member of the LGBTQ+ community. I am friends with someone who would quite literally be in danger if he decided to come out to his family. I am fortunate to have grown up in a family that accepts people for who they are. It is not okay for you to think that parents should have legal permission to not raise their child if the child comes out as LGBT. The second you have a child, it is your responsibility to clothe, shelter, provide food, and LOVE that child.

I don't know what kind of morals you have going on in your head but this is absolutely cruel and unjust, not to mention the fact that this bill is also in favor of keeping students ignorant when LGBTQ+ topics are taught. I WISH that I had more education on LGBTQ+ topics when I was in school. Everything I know now, I've learned on my own, by myself. This bill will alienate students from LGBTQ+ knowledge, and will continue the cycle of hate and discrimination.

Passing these bills are only going to cause ND citizens to leave ND and never return. I love my home, I love North Dakota, but it breaks my heart every day knowing that this state doesn't love me or my family simply because we are LGBTQ+ and that we are happy to be. It breaks my heart and brings me such sorrow, pain, and anguish to see how much hate and ignorance is trying to be passed into law, laws that will only further hurt your fellow North Dakotans.

I urge and implore all of you for a "Do Not Pass." Love is love, and hate will never win. Thank you for your time.

House Human Services Committee

Senate Bill 2260 - Written Testimony

Andrew Alexis Varvel

North Dakota State Capitol

March 22, 2023

Pioneer Room

9:30AM

Chairman Weisz and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47.

I oppose Senate Bill 2260 as written.

First of all, I would like to congratulate the sponsors of this legislation for bringing it forward. Several features of this bill are things that I could wholeheartedly agree with. In particular, I strongly support Section 1 subsection 6, which prohibits schools from withholding health information from a parent. And some of the features of this bill are things that I wish could have been around when I was a child. I do have a few quibbles, though.

Included with this testimony is some correcting language.

Please delete Page 2 Line 31.

Stating a parental right to "participate in parent-teacher associations and school organizations" may sound good, yet this "right" could easily go awry. Some parents can be disruptive. If participating in parent-teacher associations is a right, then it becomes more difficult for a school to deal with a parent who becomes disruptive. Ditto for school organizations.

Should an atheist parent have a right to intrude on the proceedings of a religious club at school?

So, Section 1 subsection 3 subsection m goes too far.

Please delete Section 2. It creates far too much red tape.

Subsection 2, subsection a would either not be meaningful or it would swamp teachers with conflicting demands from various parents.

Subsections b through d would crush spontaneity in the classroom. Teachers should have space to go on tangents, and for teachers to respond to what students want to learn. A cookie cutter approach to teaching is precisely not what we should have in public schools.

Concerning subsection e, it makes sense for parents to be informed about all extracurricular clubs and activities. That said, creating a procedure for a parent to withdraw a student from that club or activity over that student's objections may stunt a child's ability to make decisions down the road. Developing that capacity for making decisions is very important for adulthood.

This legislation would also interpose school policy - and the Century Code! - into family quarrels. Given that a parent already has a right to provide a child with alternative schooling, this provision is more trouble than it is worth.

Concerning subsection f, let's keep schools out of family quarrels.

Besides - it won't work. Fostering resistance to a name, nickname, or pronoun would only serve to promote greater attachment to it.

According to Not the Bee, a middle school boy asserted alternative pronouns early last August. Well, if banana says rock pronouns are banana and rock, then rock pronouns are banana and rock. Or would that be banana pronouns being rock and banana?

Don't sweat it.

<https://notthebee.com/article/middle-schooler-tells-teacher-his-pronouns-are-banana-and-rock-and-she-takes-to-tiktok-because-she-doesnt-know-if-hes-joking-or-if-she-should-actually-call-him-banana>

Concerning subsection g, a parent should have the primary responsibility to keep himself or herself informed. School districts should not be expected to swamp parents with more red tape, and treat parents as if they were children.

Subsection 3 is unnecessary.

Subsection 4 tells parents what to do. It uses "shall", not may.

Right now, Senate Bill 2260 desperately needs a major league tummy tuck. If this bill does not get salvaged with the changes that I am recommending here, please give this bill a strong and unanimous DO NOT PASS recommendation.

Thank you. I welcome questions from the committee.

**PROPOSED CHANGES
to Senate Bill 2260**

Page 2, remove line 31

Page 3, remove lines 18 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 3

Renumber accordingly

ORAL TESTIMONY SCRIPT: SB 2260

Chairman Weisz and
Members of the
House Human Services Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47.

My preferred pronouns are rock/paper/scissors. As in, "When talking about paper, committee members should remember how rock can occasionally express scissors opinions in a playful manner."

I oppose Senate Bill 2260. This bill has some good features. For example, I really like Section 1 subsection 6, which prohibits schools from withholding health information from a parent.

Unfortunately, this bill's good features are strongly overshadowed by its bad ones.

Please delete Page 2, Line 31.

This provision may sound good, but it fails to address disruptive parents.

Should an atheist parent have a right to intrude on the proceedings of a religious club at a public school? I don't think so.

And please delete Section 2. It's just plain awful. It would stifle teacher creativity, multiply several more layers of red tape, and interpose school districts - and the Century Code! - into family quarrels.

Don't go there.

By all means, inform parents about a student's extracurricular clubs and activities. But a veto power? No.

By all means, inform parents about a student's names, nicknames, and pronouns. But a veto power? No.

Fostering resistance to an extracurricular activity, name, nickname, or pronoun would only serve to promote greater attachment to it. If you don't like wokeness, its best antidote is adolescent smart aleckiness.

According to Libs of Tik Tok last August, a middle school student asserted alternative pronouns - banana and rock. And the rest of his class took his side.

He, or rather banana, is my hero. So far as I am concerned, if banana says rock pronouns are banana and rock, then rock pronouns are banana and rock.

The future generation is doing just fine.

As it is, SB 2260 needs a tummy tuck.

Page 2, remove line 31

Page 3, remove lines 18 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 3

Renumber accordingly

Otherwise, please give Senate Bill 2260 a strong and unanimous DO NOT PASS recommendation. Thank you. I welcome questions from the committee.

Public schools have always supported parental rights when it comes to the education of their children. Schools have long made a concerted effort to increase parental engagement in their children's education. SB 2260, however, places an undo, unnecessary burden on public school teachers and administrators to immediately respond to parent requests for information regardless of the breadth or timing of the request. The bill requires administrators and teachers to provide parental access to each and every instructional material or resource to be used in the classroom at least 7 days prior to the start of class. The bill requires teachers regardless of grade level or subject area to create a syllabus that must include all topics and subjects to be taught, a list of all curriculum and materials to be used, and all educational activities that are part of the class. This will require teachers to plan out the entire semester and/or school year; if you are in education, you know that this isn't feasible to say the least. Things change and things come up, concepts might need to be retaught to make sure that our students have a grasp on what is being taught, and testing has to be figured into those well-laid out plans; it is not possible to plan that far ahead into the school year. Yes, teachers know what they want to cover over the course of the semester or year, but it is basically impossible to plan that far ahead. Parents already have access to curriculum, as well as instructional and resource materials, used by teachers under existing law and board policies. This bill will allow parents to disrupt the school operations by submitting burdensome requests to the school which must be responded to within a very short amount of time.

SB 2260 provides parents with the right to sue the school district if a teacher or administrator fails to comply with these burdensome requirements and parents would be able to recover their costs and attorney's fees. This will encourage increased litigation against school districts funded by taxpayer dollars and will negatively impact public school budgets and the provision of quality education in North Dakota. SB 2260 will make it more difficult to report suspected child abuse or neglect on the part of the child's parents. The bill would make it more difficult for children in protective services to receive help, especially in situations where a parent is the suspected abuser. The bill does not adequately protect a court's ability to restrict or limit the rights of a parent that is in the best interests of the child.

PLEASE DO NOT PASS THIS BILL!!!

Sandra Craig
1844 Yellowstone Circle
Dickinson ND 58601

March 22, 2023

Re: SB 2260

Dear Representative:

I am a proud North Dakota educator writing today to express my concerns about SB2260. This bill will fundamentally change how teachers plan instruction, reducing our ability to respond effectively and efficiently to students in our classrooms. Removing the ability to see a need and take intuitive professional action will weigh heavily on a workforce already facing high rates of burnout and stress, resulting in an even greater exodus of high-quality teachers leaving the profession. Please do not further limit our ability to do our job.

Section 1 –prohibiting schools from using videos or surveillance without parental permission.

Schools rely on general video surveillance for a variety of reasons. In some instances, it may be necessary to provide remote instruction, remote interpretation services (as in the case of American Sign Language interpreters for students who need the service but for whom no local interpreter is available), for professional development purposes, as well as to aid with supporting or disproving conflicting student reports of what did or did not happen (on the playground, for example). Each student will see things from just one perspective and report pieces favorable to their own desired outcome. A video surveillance documentation provides an indisputable, objective, third-party view of an incident. As flawed as the system may be, it is the best we have, and to disregard the use of that technology would be ignorant.

Section 2 -parental involvement

The aim of all educators is to partner with families to maximize the learning of every student. We seek to engage families in as many ways as possible. The best ways to do that include parent-teacher conferences, family literacy nights, open houses, book fairs, read-a-thons, and other community events, not through adding bricks to the metaphorical wall that seems to have been built between school and home. This “us versus them” mentality is counterproductive.

This section would severely limit opportunities for differentiation and response to individual student needs and interests. Unlike mass producing objects in a factory, teachers are aiming to mold the future of our nation by warmly welcoming all students each fall and helping them make as many gains as possible before the end of their time together. Unfortunately, not every student arrives ready to learn, equipped with similar experiences and prepared for all that is to come. We must take time to get to know them as individuals, cultivate in them a curiosity, motivation, and desire, and for some, how to function in a group or society. Neither manners nor common sense are common in 2023!

I must stress to you that the playing field is not level! Teachers require the autonomy to adjust plans as needed, responding – sometimes moment by moment – to the needs of the students in front of them. These needs are not predictable. To ask that every possibility be planned out and provided in advance is unrealistic.

Additionally, the work hours required to prepare a syllabus, curriculum, and teacher training materials for each class at least seven days before the start of each class in addition to a written description of all topics and subjects taught in the class, a list of all curriculum used, and a description of any assemblies, guest lectures, field trips, or other educational activities that are part of the class is unfathomable, especially at the lower levels, where a single teacher would provide the instruction for all subject areas and where class periods are as short as 20 minutes. It would, sadly, eliminate the ability to say “yes” to a last-minute authentic learning opportunity! In addition, reviewing, copying, and recording all curriculum for each course offered and any teacher training materials at least three days before use of the curriculum or materials would require additional personnel.

While I know staff is willing to meet readily with any parent who asks, requiring the teacher, the principal, or other representative from the school to discuss the curriculum and teacher training materials seems to send a message to families that each of the 30 students in a classroom could possibly be receiving a completely individualized curriculum or course. By design, we are teaching students in groups/classes because time is a limited resource.

Lastly, this bill negates the professional training undergone by educators to prepare for this career. In some cases, this would result in relinquishing the ability to do what is in the best educational interest of the child, from the perspective of a trained and educated professional.

While I do believe parents should have a voice in their child’s education, I also feel that educators should be treated as the professionals they are trained and educated to be. Respect for this profession needs to be restored, and this bill is a step in the wrong direction. Yes, we are public servants, but we are already stretched incredibly thin. Teacher burnout is real. I anticipate existing teachers will quickly find an exit plan and recruiting new ones will only present additional challenges should this bill pass as written. I strongly encourage you to reconsider these portions of this bill, taking my “in the trenches” perspective into consideration.

I thank you greatly for your time!

Sincerely,

Sandra Craig

House Human Service Committee
March 22nd, 2023 SB 2260
Testimony in Opposition

Dear Chair Weisz and the members of the House Human Service Committee,

I urge a “Do Not Pass” on SB 2260, because:

1. Parents already enjoy [fundamental parental rights](#)
2. It is a grocery list of rights attempting to infantilize our public institutes to the authority of parents, far exceeding the 14th amendment and destabilizing their ability to operate.
3. These additional parental rights could conflict with youth’s [unalienable right](#) to enjoy life and liberty or pursue and obtain safety and happiness.
4. [State data](#) already reflects bad parents do exist in our state.
5. It’s part of a series of bills attempting to legislate culture into law.

Conservative values are important. I know many representatives on this committee and in our government share them. If we want to raise our kids to believe in these values, we don’t do it by legislation, we do it by showing kids how amazing life is when practicing those values. Often in a kind and caring home that allows questions and exploration and doesn’t need to benefit from supreme parental authority that this bill hopes to instill.

Can we not imagine a world where your child is trans and grows up to follow the traditional values you love? Who gets married, believes in small government, works an honest living, and raises a family? It’s possible. That’s how we as a state build a future together, we believe in our differences and give people the choice on what makes sense for them.

There will never be a law that could fully balance the rights of parents, youth, and government interest. However, shifting that careful balance to further empower parents leads to increased possibility for trauma and abuse as seen with other testimony this session:

Samantha Field’s from the Coalition for Responsible Home Education spoke this session about not being given a basic education or progressing past the eighth grade reading level because of her parents and the fundamental rights of youth were virtually meaningless. Child Protective Services spoke about the careful balance of their jobs and how bills like this put youth into jeopardy. Our schools have talked about the authority this gives parents as making school virtually impossible, with each teacher now needing to respond to sixty new bosses in each classroom.

I’m not against good parents or the nature of fundamental parental rights in the 14th amendment strictly as it is written, but my primary stakeholder and how I weigh decisions is keeping kids safe. This bill doesn’t do that. Please vote “Do Not Pass.”

Thank you for your time, consideration, and service to our state.
Faye Seidler



1 SB 2260

2 Testimony in Opposition

3 Chairman Weisz and members of the House Human Services Committee. I am here
4 representing the North Dakota Council of Educational Leaders representing school
5 leaders across North Dakota. I come to you in opposition to SB 2260.

6 We believe parents are a vital piece of the educational puzzle. School districts should
7 reach out to parents and get their valuable input. Some of the components of this bill
8 are outlined already in some school board policies. Schools are already subject to open
9 records and open meetings. There are some components outlined in this bill are a huge
10 concern and will be difficult if not impossible to do – and will drive even more great
11 teachers out of the profession as well as make the thought of going into teaching
12 profession even less appealing. It also has components that generate an enormous safety
13 risk to students and teachers and puts at risk the precious commodities we are charged
14 with protecting – our students.

15 Section 2 of this bill is most problematic.

16 There is a critical component to video usage in school that is not protected in this bill. I
17 must believe that law enforcement would object to this as well. Without video in other
18 appropriate places not protected in this bill in our schools such as busses, as leaders we’d
19 be greatly restricted from investigating when things might go awry. This puts both the
20 youth and the adults at risk. Videos are used to investigate bullying allegations,
21 misbehavior, drug use, vaping, theft, and any number of other issues on our busses. If



1 a couple parents opt out – the school would effectively be forced to shut their cameras
2 off.

3 The review of the curriculum requirements in SB 2260 for a class seven days before that
4 curriculum is taught will cause hardships for our schools. Most courses have a syllabus
5 that outlines the course content and expectations for the semester or year. To have all
6 detail of course expectations that may happen in April done in August more than likely
7 will not be accurate. Furthermore – even the lesson plan release 7 days in advance with
8 the opportunity to hold teachers legally liable if a parent chooses to bring suit is
9 unreasonable. There are “teachable” moments that occur often that are difficult to plan
10 – sometimes they happen on the fly in the classroom and the great teachers take
11 advantage of this – you are asking the best of the best to stop being the best. Teachers
12 often adjust their curriculum and lessons throughout the year. They should be able to
13 do so freely as long as it is in conjunction with the course content standards. To have to
14 electronically publish all lesson plans and each piece of what they do electronically at
15 least 7 days in advance and allow for parents to opt students out of any lesson will create
16 a quagmire of instruction that will make operating a classroom tremendously more
17 difficult. Furthermore, an electronic publication of this magnitude would require each
18 district to purchase and implement a quality LMS (learning management system) which
19 is an unfunded mandate for many districts who have yet to be able to afford such a
20 system. Not to mention the professional development that each teacher would need to
21 undergo to publish all their materials. This will take a tremendous amount of time that
22 would need to be compensated for as well.



1 This would also restrict teachers from individualizing and providing personalized or
2 differentiated instruction if students struggle as if they adjust their plans based on the
3 needs of students, they would be out of compliance with the law and according to this
4 bill could be held legally accountable and be taken to court. Every educator I know
5 welcomes conversations with parents about the lessons being taught in school, but this
6 bill today presents a plan to drop a crushing amount of extra paperwork on already
7 exhausted teachers without a plan for how it would work, how parents would use the
8 information, or even if it is necessary. The number of copycat bills regarding education
9 that aren't addressing an issue in our state, but seemingly we need to have them since
10 they were introduced elsewhere is making clutter of our ND Century Code. When
11 mandating more work for every teacher in the state, the details matter. It hurts teachers.
12 It demoralizes a group of trusted professionals, and it feels like a 'gotcha' to all teachers
13 in our state putting them in immediate risk of legal issues. I'd ask that each of you call
14 each and every one of your teachers in your school districts back home...your teachers
15 in Minot, Harvey, Grafton, Hillsboro, Rolette, Fargo, Berthold, Devils Lake, Mandan,
16 Valley City, & Bismarck – people that you go to church with, shop with, went to school
17 with and might even be friend or family of yours, some of them might have been your
18 teachers – maybe your favorite teacher or coach...please call them and tell them that you
19 do not trust them. I have a hunch you couldn't do that. You know your teachers and
20 you trust them. Your kids probably love their teachers. I'm betting that would be an
21 uncomfortable conversation.

22 Please honor them with a do not pass on this bill.



SB 2260
Testimony of Amy De Kok
House Human Services Committee
March 22, 2023

Chairman Weisz and members of the committee, my name is Amy De Kok. I am General Counsel for the North Dakota School Boards Association. NDSBA represents all North Dakota public school districts and their boards. NDSBA stands in opposition to SB 2260.

Before I relay our specific concerns, we would first note that we are in favor of transparency in our schools. Obviously, there are times when transparency may not be appropriate (e.g., certain personnel matters, student discipline matters, and other matters enumerated in NDCC chapter 44-04, etc.), but as a general principle, transparency in our schools fosters trust and is something every school should strive to meet. While NDSBA and our members understand the desire to protect the rights of parents, this legislation goes too far. It would allow parents to have immediate access to curriculum and instructional materials, which could be harmful to students. Parents should not have the right to interfere with the education of other children. This legislation would also make it more difficult for teachers to do their jobs. They would have to spend more time dealing with individual parents and less time teaching.

Initially, my testimony will focus on Section 2 of the bill, which requires the board of a school district to develop and adopt a policy to promote the involvement of parents. Let me first say that SB 2260 correctly affirms a parent or guardian's right to take the most active role in their children's education. We support those rights, and our members have policies in place that form the foundation of the productive interaction between parents, teachers, administrators, and elected board members. Public school districts in North Dakota have long supported and encouraged parental involvement and engagement in their student's education. Indeed, school districts are already required to adopt a parental and family engagement policy under the federal Every Student Succeeds Act (ESSA). This policy is very detailed to achieve parent and family engagement on a district-wide level, as well as in each school within the district. It requires, among other things, joint development between the district, parents and families of a district-wide plan detailing the actions the district will take to ensure involvement of parents and families in school programs. The policy requires annual evaluation of the district plan to ensure effectiveness and addresses how to build the capacity of parents and families with training and resources. These are just a few things

the policy covers. In addition to the parent and family engagement policy, school boards also adopt policies addressing:

- Curriculum design and adoption, including a complaint procedure available to parents and patrons to challenge curriculum adopted by the board and instructional materials used by teachers in the school system.
- Access to student records and information and the limits of disclosure of such information absent parental consent.

SB 2260, however, places an undo, unnecessary burden on public school teachers and administrators to immediately respond to parent requests for information regardless of the breadth or timing of the request. The bill requires administrators and teachers to provide parental access to each and every instructional material or resource to be used in the classroom at least 7 days prior to the start of the class. The bill requires teachers regardless of grade level or subject area to create a syllabus that must include all topics and subjects to be taught, a list of all curriculum and materials to be used, and all educational activities that are part of the class. As a result, teachers will be required to plan out the entire semester and/or school year, which would limit their ability to incorporate real-world events as they are happening. The bill also requires teachers to permit a parent to review, copy AND record all class materials at least 3 days before use in the class. It is unclear from the bill exactly what "record" means. Parents already have access to curriculum, as well as instructional and resource materials used by teachers under existing law and board policies. Under this bill, parents will be allowed to disrupt the school operations by submitting burdensome requests to the school which must be responded to within a very short amount of time. On top of all of this, school districts would be required to adopt procedures to inform parents of all of these rights relative to their own child. Educators are trained to do what they do. And that seems to be incredibly disregarded in this bill and by some in this Legislature on top of all of the other challenges that educators are faced on a day-to-day basis.

SB 2260 provides parents with the right to sue the school district if a teacher or administrator fails to comply with these burdensome requirements and parents would be able to recover their costs and attorney's fees. This will encourage increased litigation against school districts which will need to be defended by taxpayer dollars and will negatively impact public school budgets and the provision of quality education in North Dakota.

Section 1 of the bill also presents several concerns. First, Section 1 lists several rights of a parent that may not be obstructed or interfered with by the state or any political subdivision, which includes school districts. The language of some of the provisions in Section 1 present practical problems in the school environment. For example, subdivision 3, subpart (i) provides that a parent has the right to consent in writing before any governmental entity makes a video or voice recording of a child. Schools already send out an annual FERPA notice, which among other things, informs the parent of student information that is designated as directory information

that may be disclosed without parental consent *unless* the parent opt out. Directory information often includes photographs and videos of the student. Again, this notice is sent out each school year and provides an opportunity to opt out. The language in the bill is unclear whether this annual notice will suffice or if a parent must consent in advance to each and every time a video or recording is made of their child, even if the child is not the focus of the video or recording. Would this prevent a school district from allowing the media to record or film a basketball game unless consent is given for each student on both teams before each game? Will this apply to any video or recording where the child appears, even if the child is just a bystander?

Another concern involves subdivision 3, subpart (j), which provides that a parent has the right to be notified promptly of suspected child abuse or neglect. What happens if the parent is the suspected abuser? North Dakota law designates school administrators, teachers and school counselors as mandatory reporters of suspected child abuse and neglect and includes restrictions regarding disclosure of information to third-parties, including a person responsible for the child's welfare. Indeed, there is a bill proposed currently that requires regular training on mandatory reporting requirements. This part of the bill may interfere with those obligations or at least presents confusion as to how it will all work together.

For these reasons, NDSBA strongly urges a Do Not Pass recommendation on SB 2260, and I am happy to stand for any questions. Thank you for your time.

My name is Cara Transtrom, I am employed by the Mandaree School District #36 on Fort Berthold Indian Reservation, and this letter is being written in opposition to Senate Bill 2260.

There are so very many issues with this bill that I'm hard-pressed to know which issues with which to even begin. So I will focus on addressing just two major concerns out of the many that I have with this bill: 1) the stated parental "right to make reasonable choices within a public school for the education of the child" and 2) the usurping of the local school board's elected authority.

This bill is attempting to pass measures that ultimately constitute unreasonable—NOT "reasonable"—choices within a public school. Here's why:

Demanding that teachers release all lesson plans and components 7 days prior to instruction so that all materials can be reviewed by all parents creates an unreasonable, unprecedented, unsustainable, and frankly impossible situation for reasons that we will now review:

First, let's say that a teacher has 150 students and teaches 6 classes daily (fairly typical for a high-school teacher). Let's suggest that approximately 80% of the biological parents are alive and have some category of legal custody: this now gives us 240 custodial parents. Now let's consider that perhaps 35% of the children have a stepparent with some custodial rights: that gives us an additional 45 custodial adults.

This now gives us a total of 285 possible parents. (Please note: we haven't even touched the category of children without any custodial biological parents, but the prior numbers should be reasonably accurate whether we are speaking of appointed caretakers, legal guardians, adoptive parents, biological parents, stepparents, etc)

As someone who ran my own business for years, I'm here to tell you that if 285 different bosses have authority over one individual, it's a recipe for absurdity at every level, not to mention bankruptcy. Such a decision regarding hierarchy would be physically impossible to maintain, and it's even more impossible to justify why such a foolish decision would ever be made to abuse an employee like that in the first place. It would be the complete opposite of "reasonable expectations" by every definition of the term.

Now to address concern #2:

The local school board is already elected to represent local values, maintain educational standards, and effectively manage school operations. Such boards already maintain control over curriculum content choices, teacher/administrator/staff hiring and firing, standards of school employee behavior both inside and outside of the classroom, and operational management decisions over the entire school bureaucracy.

So if we already have school board officials elected by their local constituents into positions of authority to manage the concerns this bill addresses, why is this bill attempting to usurp the role

of these already-elected, already-serving individuals?

I repeat, a local school board has the authority and the mandate of the American taxpayer to manage all of the issues raised in this bill. If concerned citizens wish to abolish the role of local school boards, they are free to introduce such legislation and also to introduce legislation that replaces the roles and functions currently embodied by these elected officials.

If passed, this bill will not only encourage the *en masse* resignations of teachers throughout the entire state of North Dakota (a state that is already suffering from extreme teacher shortage, I might add), but it will also create a parallel, competing governance system in direct competition with the already-elected, already-mandated school board.

In closing, I will address what appears to be the actual elephant in the room and the direct impetus for the creation of this bill: the measures in this bill appear to seek to address parental concern and response to the lurid headlines we have seen in recent times featuring underage children being exposed to developmentally-inappropriate levels of information about biological sex, culturally-influenced gender expectations, and sexual orientation.

Responsible educators across the state share parental concerns that only developmentally-appropriate levels of information be shared with underage students regarding these issues. We recognize that these weighty, life-altering matters are heavily influenced by a literal host of factors: local family & community expectations, religious influences, national and ethnic origin, socio-economic status, scientific facts, peer pressure, national and local forms of social media, friend groups, and mental, emotional, and physical wellness, to name only a few.

I remind all parents and all fellow educators that these weighty issues are EXACTLY why we have elected local school boards in the first place: it is imperative that these elected individuals answer directly to the concerned, tax-paying citizens (that is why these officials have been elected in the first place, after all).

I thank you for your time in this matter, and I cannot more strongly encourage a NO vote for SB 2260



National Vaccine Information Center

www.NVIC.org

March 22, 2023

Dear Honorable Members of the House Human Services Committee,

My name is Dawn Richardson. I am testifying as the director of advocacy for the nonprofit National Vaccine Information Center (NVIC) founded in 1982.

Thank you for the opportunity to testify on SB 2260.

SB 2260, as filed, is a Parental rights bill that does not specifically mention vaccines. However, it would allow minors to be dispensed a medication (medication would include vaccines) in an emergency if the individual or entity obtaining parental consent cannot locate or contact the parent of the child after a reasonably diligent effort.

NVIC cannot support this section of the bill and does not take a position on the rest of the bill's provisions which are unrelated to vaccines. NVIC does not support minors being vaccinated without the prior written informed consent of the parent or guardian.

SB 2260 passed the Senate Judiciary Committee with amendments.

The amendments added additional exceptions to the requirement that parental consent be obtained before certain medical procedures. These are situations that would not require parental consent that are already allowed by state law. Parental consent for vaccination is not specifically addressed in current law. Minors can consent to treatment for sexually transmitted diseases, but this current law, 14.10.17, does not include vaccination or preventive measures.

NVIC cannot support SB 2260 as amended because the bill still allows dispensing of a medication (that would include vaccines) to a child without parental consent during an emergency if the entity or individual can't locate the parent after a reasonably diligent effort. See page 6 and 7 of the engrossed bill:

2. Except as otherwise provided by law or court order, an individual, corporation, association, organization, state-supported institution, or individual employed by any of these entities shall obtain the consent of a parent of a child before taking any of the following actions:

c. Prescribing or dispensing a medication or prescription drug to a child; (medication would include vaccination)

4. This section does not apply when it has been determined by a physician that:

a. An emergency exists; and

b. Either of the following conditions is true:

- (1) It is necessary to perform an activity listed in subsection 1 to prevent death or imminent, irreparable physical injury to the child,
or
(2) The individual or entity obtaining parental consent cannot locate or contact the parent of the child after a reasonably diligent effort.

The problem is some vaccine administrators think not having all vaccines is an emergency or could put the child's health at risk of death even though the child is healthy. These exceptions combined could be used as a loophole to justify minor consent to vaccination.

This part of SB 2290 should be amended to clarify that vaccination is not emergency care and that it does not apply in this section.

Vaccination is a medical procedure that cause injury and death and should never be done to a child without fully informed parental consent. No emergency exists where the vaccine administrator can't wait until they can reach a parent to get fully informed consent.

Sincerely,
Dawn Richardson,
Director of Advocacy
National Vaccine Information Center
<http://NVICAdvocacy.org>

New Salem-Almont School District #49

PO Box 378 310 Elm Avenue. New Salem, North Dakota 58563

Phone: 701-843-7610 FAX: 701-843-7011

Brian Christopherson, Superintendent
Lauren Bennett, Elementary Principal
Marci Gilstad, Business ManagerMonica Reiner-Pletan, Board President
Brian Olson, High School principal

"To ensure that each child achieves his/her full potential through student-centered practices."

March 22, 2023

House Human Services Committee

RE: SB 2260

This letter is in opposition of SB 2260 because it places more of a burden on teachers. It's true that most teachers submit a weekly lesson plan to administrators but normally that contains the standards that will be taught and does not go into detail on each topic. From how I read the bill, written description of all topics and subjects taught in a class or course is a very large burden on our teachers. Furthermore, good teachers teach a little differently due to the varying ability levels, I fear that this would not be able to happen if this bill passes. Improvising or deviating from the lesson plan would not be allowed. When I look at my special education and Title teachers, I could not imagine trying to put a written description for every one of his/her students because these are programs are often individualized.

Public schools have open meeting laws, parents can already request to view textbooks, I'm having trouble wrapping my mind around why, when we already have a teacher shortage, are legislators contemplating adding this burden. If the perception is that a few districts are not teaching "what is right", figure out how to deal with them. Adding the burden to the whole because of a few, doesn't work in education and shouldn't be how perceived problems should be dealt with either. Parent involvement is important but if parents want to know what is going on in their school, they can find out without educators having to get the approval for every lesson. I encourage you to use common sense and vote do not pass on SB 2260.

Sincerely,



Brian Christopherson
Superintendent
New Salem-Almont School District #49
Brian.Christopherson@k12.nd.us
701-843-7610

Written Testimony in Opposition to SB 2260

I am writing in opposition to this bill for several reasons. As a teacher with over 39 years of experience in a rural public school, I am concerned and dismayed at the multiple ways the proposed bill indicates a lack of trust in school boards, administrations, teachers, and support staff. There are currently many strategies that schools in our state are using to involve and improve communication and partnerships with parents. The ESSA requirements and School Improvement processes all emphasize the importance of parents in the education of our students. In the same way, school boards and administration are held accountable for assuring that curricula are aligned to standards and communicated in a way that is deemed appropriate.

One example of my concern for this bill centers on the requirements outlined in Section 2. The additional requirements and constraints set forth by SB 2260 will limit the abilities of teachers to adapt lessons and curricula to meet the needs of students. These requirements will also require additional time for teachers that could be spent enhancing education for students.

At a time in our state when teacher retention is so important, this bill threatens to not only require more work, but it also gives the strong message that teachers and governing boards are not trusted. This message will not retain or attract teachers to the profession. School boards, administrators, and teachers work relentlessly to meet the needs of each student while also meeting the curriculum requirements set forth by our state.

I understand that SB 2260 was proposed with good intent, but it is **not** necessary, and it will add a multitude of complications that will ultimately hamper effective education in our classrooms.

Please vote “no” on SB 2260.

Mary Eldredge Sandbo, Ed.D, NBCT, 2010 North Dakota State Teacher of the Year
Biology Teacher, Des Lacs Burlington High School

Members of the House Human Services Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a do pass on Senate Bill 2260. As a parent of four children, I expect North Dakota to acknowledge and uphold my parental rights, including my involvement in their education. I have always been a parent that has *trusted* the school system. However, over the past few years I have found myself defending my parental rights with my children's school district. I had expectations my school district would not teach my children socialism but rather teach approved curriculums that align with the North Dakota educational standards. Since there is an inadequate curriculum approval process, my 7th grade child last school year was taught directly from the United Nations Agenda 2030. For me, it became the turning point that prompted further investigation in my children's education. It became evident that there were more matters in question with our school district's academic expectations. Not only was my child taught an unapproved curriculum, but I also discovered *all* students were being excessively surveyed without parental consent. This underscores my parental rights were violated under the federal law of the Protection of Pupil Rights Amendment. My active involvement in my children's education has consumed nearly all of my leisure time because my school district administration is not receptive to listening to my concerns. I fully support this bill that acknowledges and preserves my parental rights.

If I were to suggest one amendment to this bill, it would be to expel parents from any and all financial liability for curriculum or resource review. I speak from experience, I

have been charged \$615.87 just to review my child's curriculum. I am a tax paying North Dakota resident who should *not* have to pay a significant amount of money to see what my child is learning, I shouldn't have to pay anything at all. Open record laws should not be abused and uniform with curriculum review.

I urge you to support the passing of Senate Bill 2260. Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Kimberly Hurst

March 22, 2023

Chairman Larson and Members of the Judiciary Committee:

I am writing to you in opposition of SB 2260; this opposition comes from 25 years in the field of public education.

This bill places extraordinary burden upon teachers relative to the function of their everyday classroom. The curriculum requirements in SB 2260 will cause hardship for educators. In our school, teachers complete a year plan or a syllabus that outlines the course content and expectations for the course, for either the semester or year depending on the length of that class. Throughout the school year, teachers encounter teachable moments almost daily and cannot be planned. Teachers adjust their curriculum and lessons throughout the year in conjunction with the content standards. As written, SB 2260 would be detrimental to the teaching opportunities that present themselves as current events or student interest.

There is a science and an art to teaching, SB 2260 would remove the fluidity of fine-tuning any classroom.

Thank you for your time.

Shannon Faller
Principal, gr. 6-12
Alexander Public School

This is my 19th year teaching. I am a mother of two. My youngest is in my class this year, so I know exactly what he is learning every day. Does this help him as a student? Yes, I know when he has not finished his assignments in class. However, I am consistent with assignments, so my student's parents know what their child is doing in class on certain days of the week. I send home worksheets they have completed. If a student gets behind, I get a hold of parents. I stay caught up with my grades so parents can access how their student is doing. I also know that after teaching for several years, if I need to modify my lesson plans for the good of my students, I need to be allowed to do just that. Sometimes a lesson takes five minutes, sometimes 30. It can depend on the classes' needs. If I do not have the privilege of adjusting my timeline for the day, students will end up with more homework. I do not want to have to say to my students, sorry guys we cannot go over this topic that you need more help with because your parents want me to cover this topic too. Many parents will get tired of getting lesson plans after two weeks. I do not want lesson plans from my daughter's teacher. This will not help her become a better student. I have a daughter who is a great student and studies when a test is coming up. Her teacher appropriately tells me when tests are approaching or when a project is coming due. Next year when she is in junior high it would be overwhelming to me as a parent to get 7 different lesson plans every seven days from the teachers she will have. I would also be getting an additional notice from my son's new teacher. If a parent has more than two kids, especially in high school, they would be bombarded with lesson plans. This is also an unreasonable ask for teachers. I turn in my lesson plans to my administration each week. This should be enough. If parents can pick apart what we are teaching, and the curriculum will have to change it more frequently? Will they be helping to create tests and modify tests for the new curriculum? Will there be more funding to purchase curriculum as parents do not like the curriculum we are using? If we take away video cameras, we will have more vandalism. It will be trickier to figure out who is misusing property. Cameras in the hallways take away 80 percent of the issues that would be happening without them. If there is vandalism in the bathroom, we can figure out based on what has been in and out of the bathroom at the time of the incident and narrow it down. This whole bill is meant to give more voice to the parents, but instead it takes the teacher's voice away. With the shortage of teachers, saying yes to this bill will create a loss of veteran teachers who still have quality years left of this service job. We cannot keep adding busy work onto our teachers. After teaching my 19th year this year and obtaining 45 graduate credits, I take home less than \$60,000. I am not in the teaching profession for the money but for my students. For the money we make, why do we keep adding extra jobs for our teachers? I have no issue with parent communication, but I do have an issue with parents being able to look over my shoulder and judge me all day long. What other profession does this occur?



Testimony in Support of Senate Bill 2260

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
March 22, 2023

Good morning, Chairman Weisz and honorable members of the House Human Services Committee. My name is Jacob Thomsen, and I am representing North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in favor of Senate Bill 2260 and respectfully request that you render a "DO PASS" on this bill.

The family is the fundamental building block of society, and parents are the primary stakeholders in a child's wellbeing. They should always know what is going on in their child's life so that they may parent the child in the most appropriate manner with regard to their unique characteristics and environment.

It is a parent's responsibility to be involved in their children's lives. Without this bill, hinderances to this have already occurred in North Dakota with regard to Section 1, subsection 6 (line 6 on page 3). Grand Forks Public Schools administrative regulation, in 2021, issued procedures stating that "school staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians – unless legally required to do so or the student has authorized such disclosure."¹

A parent ought to know what is being taught to their child in the school system as well. It is a parental responsibility to take part in their child's education. They should know about and have the choice of whether or not to subject their children to controversial topics that may be presented in the classroom. With the arrival of COVID, many parents needed to be more directly be involved with their children's classroom materials, and they were shocked at what they found. It should not take a pandemic to ensure parents know what their children are learning.

Section 3 of the bill relates to consent of a parent when it comes to medical procedures. Consent for medical procedures is best left in the hands of the individuals who know and care about a child best: the parents.

¹<https://drive.google.com/file/d/1ewmtwcpuhuQWPe53v8HEgMMfCe8WGmIJ/view>

This bill supports that parents are the final arbiters in their child's education, medical treatment, mental health treatment, moral and religious training, and general upbringing. This is entirely consistent with biblical mandates, our organization's values, and those of thousands of our constituents across North Dakota. Because of these reasons, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on Senate Bill 2260.

Thank you for the opportunity to testify. I'd be happy to answer any questions.

I am in opposition of Senate bill 2260 for the following reasons;

1. No surveillance in our schools will further endanger our children and make stopping the injustices in our schools harder or in some cases impossible. Technology such as school surveillance cameras help combat and, in some cases, prevent school shootings, drug addiction control, and mental illness problems.
2. Having teachers post every single lesson and bit of curriculum a least 7 days in advance will greatly impede my ability to truly teach. I do make lesson plans 10 days ahead of time, but rarely do I follow them to a T. I reflect on each and every child's understanding of the lesson taught that day. Then I adjust my lessons for the next day depending on the understanding of my students. Please give every child the chance to learn. Children are not robots. Just because you presented a lesson, doesn't mean students will learn it the first time. As a teacher, I need the ability to adapt my lesson plans as learning occurs. Please don't take away my ability to teach. In this bill, I will have to follow the lesson plans that I posted no matter if my students understood the learning goal that day or not. This is not teaching!

To all policy makers and anyone considering this bill,

We are living in uncertain times. The problem that teachers have been facing for the past several decades is decrease in respect and power by students and families towards teachers instead of looking inside of themselves and realizing what is going wrong at home and society as a whole.

There never has been a teacher in the world that has created the problems that society is dealing with. Teachers get blamed on a regular basis for the problems of the world. If you look at the countries with the highest educational scores like Asians countries for example, they put complete responsibility on the student. Families do as well.

This bill will take the tiny bit of accountability that students and family have left and completely throw it out the window.

You may think this is giving parents rights, but we all know that the people who will mainly use this law to their advantage are the ones who are mentally unstable, entitled, and trouble makers.

I can't even believe I am taking time to write a letter on something as preposterous as this.

If any part of this bill pass it will be the death of public education. Teachers will leave in droves. Not only will we lose all power, authority, and security but we will not have time to do what is asked. Teachers who write syllables and lesson plans like what is proposed here are college professors that get paid six figures with 3 to 4 hours of planning everyday and sometimes even complete days off every week to write these syllables/lesson plans.

Anyone who believes in this bill, I invite you to come take over my class for one week. We can switch places I will do your job and you can do mine if you like. By the end of the week, I will listen to your apology but will probably not accept it.

Sincerely,

Tye McNair

ND teacher

Good morning,

I'm writing to encourage you to vote "no" on SB 2260. This bill suggests that parents do not have any rights to see, review curriculum and is it is now in Hazen District, parents can have access to the curriculum anytime they want. The way this bill is written would add a lot of extra stress and time to each teacher's day, week and even semester. This could have a trickle-down effect to the district in they way they may want to be compensated for the extra time they are putting in for these extra duties.

I believe in transparency in our education system, but I also believe that we need to trust our administration and teachers to do the best they can with the resources that they have. Allowing parents to dictate what and if their child is learning something would shake up the whole education system.

Please vote NO on this bill!

Thank you,

Sonya Hansana
Hazen School Bd. President

I am writing to you this morning, with the hopes that youd vote against SB 2260.

Not only do Public Schools support the parental right when it comes to their childrens education, schools have also made an increased effort for parental engagement.

SB 2260 would place an unnecessary burden on the entire staff.

Many parts of this Bill will increase the workload to the already over driven teachers.

And failure to comply with parents burdensome requests could result in parents suing the school, and recover all of their costs and attorney fees.

This bill encourages more litigation against school districts,

funded by taxpayer dollars, and will negatively affect school budgets.

This bill also makes it more difficult for schools to report suspected abuse.

LANGDON AREA HIGH/MIDDLE SCHOOL
"HOME OF THE CARDINALS"

A+ FOR EXCELLENCE

SUPERINTENDENT: DAREN CHRISTIANSON

PHONE: Work 701-256-5291

FAX: Work 701-256-2606

715 14TH Avenue

Langdon, ND 58249

E-mail: daren.christianson@k12.nd.us

3-22-2023

Subject: SB 2260

Senate Bill 2260 although appears to protect parent rights I do not believe it is good for students, teachers and school districts. The burden of what is required upon a request is extreme. As a school district we are an open book and thrive on being transparent with our community. The concerns brought forth in this bill are generated over national issues not North Dakota issues. This bill is redundant as information may be obtained through open records request. This bill also does not allow our teachers to utilize teachable moments to reinforce their content that may be the current events of the day. Lastly this bill may generate extra costs for the district to comply with requests, possibly to the extent of extra personnel depending on the nature and volume of requests.

We value parents' rights and transparency and will comply with open records requests as we are currently required, this bill is not good for schools. Please vote no.

Daren Christianson:



"Cardinals"

As an educator in the state of North Dakota this bill shocks and appals me. Teachers work hard every day to serve the children throughout this state with the limited time and resources we have. This bill would furth hinder our ability to teach our students efficiently.

Each child is different and learns at their own pace. To force us to use our time to provide parent friendly lesson plans a full week in advance would not only waste time, but be detrimental to children. I cannot count how many times in my career that a lesson has needed to change to better suit my students' needs. If students are not progressing as planned, then it is my job to slow down and make sure my students get the time they need to sufficiently master the concepts I am trying to show them. The wording in this bill would make that impossible as I will be stuck on a lesson plan that is no longer beneficial. Teacher's are many amazing things, but we cannot tell the future. As much as we try we cannot control when lesson plans will need to change. That is one of the most difficult parts of our jobs in that we must gauge where our students are each and every day to make sure we are not leaving any children behind. It is also something we have spent hours training to do. The lack of trust this bill places on teachers is insulting to our profession.

I love being a teacher, I love teaching and interacting with my students and the moment a parent has a question about concepts or curriculum I would be more than happy to explain the benefits and why I am teaching what I am teaching. But to force our hands into an inflexible system will do more harm than good for both teachers and students. Already we see teachers leaving the profession, not because of children, but because of issues like this. Being treated as if we are not professionals who sought out an education in furthering the lives of students. We do not ask for no accountability on our part, we merely ask for the trust and respect any other professional would ask. Let us do our jobs. Parents have access, all they need to do is reach out and ask.

SB 2260

Chairman Heinart and House Education Committee Members,

My name is Leslie Bieber and I am the Superintendent of Alexander Public School in Alexander, ND. I am here in opposition of SB2260.

I have struggled in finding words to articulate my passionate opposition of this bill.

Teaching is a science but it is also an art. Teachers go into education because they have a calling. Every teacher in my building could tell you when he or she knew they wanted to teach. Those who cannot identify that moment, usually don't make it past their first few years in education! SB 2260 will take the art out of teaching and this is just one of many things that SB2260 will damage in education.

Section 1, #3. subsection k, allows the parent to opt out of any personal analysis, evaluation, survey, or data collection by a school district which would capture data except what is necessary to establish a student's educational record. Yet, to be an accredited school, via Cognia, we survey the student's engagement annually. We give out the anonymous Youth Risk Behavioral Survey, which collects data concerning at risk behaviors such as mental health, sexual activity, drug, and alcohol usage, drunk driving, etc. Alexander School is currently preparing our student survey's to allow student voice in our strategy map and 3-5 year strategy planning, and to provide us a snapshot of any bullying issues, or other concerns. None of the above establishes a student's educational record but it provides very important information for school improvement by knowing our clients and their needs.

The information allows teachers and admin to be prepared for what students bring in the door.

Section 2, #2, subsection b #1 will now force every teacher to create a syllabus that includes a written description of all topics and subjects taught in a class or course. It goes on to include any curriculum, presentations, field trips, etc. This will take hours of preparation for every teacher. There is a teacher shortage in the United States including ND and SB2260 will only add to it.

All of this will need to be communicated to parents seven days before it is taught. So, in the 2nd grade, during math class when a seven-year child looks out the window and sees a bird flying and asks, “Teacher, why do birds fly and cows do not?” The teacher cannot answer, she cannot immediately go into the great science lesson that just popped into her head about feathers and bone structures because it is not on the syllabus. So before she can teach at this great teachable moment, she will have to add it to her syllabus in detail, wait 7 days, and then answer the student. This story was taken directly from my 2nd grade teacher. In her “aha” moment, the lesson popped into her head, the art project that utilized math, the science, etc. The students put away their math sheet and drew a bird using geometry. She told me all about it and was super excited. The class now has a feather collection that they have started. Teaching is an art! Teachers are artists!

Last year, an older gentleman was visiting an friend in Alexander and called the school to see if we would like to have him present a book that was written about him and his dog. Major, his dog, was taken from him when he was five years old and Major served as a soldier for the USA in WWII. Our students were in awe and had a great little lesson presented

by a man who grew up in the Wahpeton, ND area. It lead into individual projects created and presented by the students about WWII. This is now an annual event for the 5th grade. With SB2260, I would have had to turn him down and say, sorry but we have to give the parents three days' notice before you present.

Section 3, #2, subsection d allows a parent to object to a specific presentation or instruction on the basis the presentation or instruction is harmful and to withdraw that parent's child from the presentation or instruction. A parent may object to a specific presentation or instruction that questions beliefs or practices regarding sex, morality, or religion based on harmfulness. A parent already has the right to opt a student out of lessons based on religious beliefs. With SB2260, parents using drugs will opt of the DARE program. Any pedophile parent will opt out of the good touch/bad touch lesson taught annually by my school nurse and counselor. The interpretation of morality could be used for a plethora of topics. I have had a parent who believed that her child should not have any discipline in any class because it was against their moral beliefs in their home.

Section 3, #5, I will just summarize but it states that a parent may bring suit for a violation of this section against a private person, a teacher, and collect compensatory damages. Would you want to be a teacher in ND with SB2260?

There is not one lawsuit in ND known by ND United between a parent and a teacher for teaching a topic that a parent did not approve so where did this come from? Is this a problem in ND or is this a trend in other states? ND has a great education system and a super majority of our parents are pleased with their school districts.

Please give a DO NOT PASS on SB2260, please do not add to the teacher shortage with this bill, and please just let our teachers teach!

I will stand for any questions.

Respectfully,

Leslie Bieber

To whom it may concern,

I am writing in opposition of SB 2260. In the first section of permitting video or surveillance, there are several times that our school staff can eliminate the “he said – she said” stories by a quick look at surveillance. The ability to confirm with a student that the story I am hearing is what I’ll see on the surveillance is assuring. I can’t imagine how school staff that is in dangerous positions from erratic students would feel without that extra sense of security to support them.

In regard to section two on the need to release lesson plans and curriculum 7 days in advance is absurd. So often plans will change the day that I have completed them and submitted them to my principal. If they are in the hands of parents and guardians and the plans have changed, will they react to the change in a negative way and be upset with the teacher. I have had parents request lessons to help a child; I am more than willing to provide that on an as needed basis. As a teacher, I would very much question if I will continue in this profession should this bill pass.

Speaking as a parent, I don’t know hardly any parents that have the time to add this to their plates as well. I trust that my children’s teachers are able to educate them to the standards that need to be met. If my children’s teachers feel they need to release lesson plans, curriculum, and training materials, wouldn’t that be a disgrace to the teachers? Wouldn’t they, then, question their ability to be in the profession? There is already such a teacher shortage and these requirements are going to send professionals down the road even more quickly.

Should this bill pass for the public education system that is receiving state funding, I would hope that all private schools that may receive the same funding will have to follow the same guidelines. However in all honesty, the passing of this bill will be detrimental on an already short staffed education system.

In conclusion, I am opposed to SB 2260.

Sincerely,

Amber Goebel

6th Grade Teacher
Wishek Public School
Wishek, ND



House Human Services Committee

SB 2260

March 22, 2023

Chairman Weisz and Committee Members, I am Courtney Koebele and represent the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA opposes SB 2260. NDMA shares the concerns of the hospital association about the confusing nature of engrossed bill SB 2260.

Under long-standing policies and procedures, all hospitals, clinics and physicians obtain consent from the parent when treating a minor, with exceptions that are set forth in North Dakota Century Code.

The bill has conflicting provisions regarding whether consent of both parents or just one parent is required before a health care provider may treat a minor. Section 1 creates a right of all parents to make and consent to health care decisions. Section 3 indicates that healthcare provider only needs the consent of a parent (not plural) before proceeding with treatment. But section 3 further creates a cause of action for a parent if they think their rights have been violated. It is unclear if two-parent consent is required. This internal inconsistency means it would be unwise for the physician to treat a minor unless both parents give consent. To do otherwise would expose the physician to a lawsuit by a parent who claims the provider did not meet the requirements of Section 1.

Many times, the parent is not the person bringing the child to the appointment, or in the case of an older child, they come to the appointment themselves. As the bill is written, a physician would have to get a consent from both parents before examining a child in those situations. Most times it is one parent bringing the child to the appointment, and then the healthcare facility would have to obtain the consent of the absent parent prior to proceeding even with routine medical appointments. This is an unnecessary additional requirement in an environment that is already highly regulated and monitored.

This bill would require health facilities to obtain both parents to consent to all health care appointments, because a cause of action would arise if one parent

had not consented. This would more than likely cause delays in care and burdens a healthcare system that is already encumbered by excessive administrative obligations.

NDMA urges a DO NOT PASS of SB 2260. Thank you for the opportunity to address this committee.

Testimony in Opposition to SB 2260

Christina Sambor, Lobbyist No. 312 – Legislative Coordinator, North Dakota Human Rights Coalition, Human Rights Campaign, Youthworks

North Dakota House Human Services Committee

March 22, 2023

Chairman Weisz and members of the committee:

My name is Christina Sambor, I am here today on behalf of the North Dakota Human Rights Coalition, Human Rights Campaign and Youthworks in opposition to SB 2260. We echo the concerns raised by the Human Services Zones, ND United, the North Dakota Medical Association, NDSBA, and other experts in the fields of education and medicine. In addition, we would encourage this committee to consider the rights of children.

SB 2260 ignores the need to allow children to be active participants in their own lives and development. It also makes no distinction about activities that would be restricted by this law but would be developmentally appropriate for older children. For example, Section 1, subsection 3(i) of this bill requires “[c]onsent in writing before any governmental entity makes a video or voice recording of the child,” with exceptions only for court proceedings, law enforcement or forensic interviews, or surveillance. There are many examples where this subsection would lead to absurd bureaucratic burdens on schools, not to mention infringing on the rights of youth to participate in school-sanctioned activities. For example, written consent would be required of all parents of all children at a pep rally or at graduation before the pep rally or graduation could be recorded. If youth were unable to procure their parent or custodian’s consent, would the school have to exclude them from the pep rally or graduation for fear they would be recorded?

Furthermore, why would this body want to exempt parental/guardian consent before a child could be recorded for court proceedings or in a law enforcement investigation? These exceptions are bizarre in that it these are exactly the type of situations in which parental or guardian involvement is arguably very important. If a child alleges that they were the subject of abuse or harassment by a teacher or medical professional, or if a child is accused of criminal activity, wouldn’t we want the child to be entitled to the protection of their parent or guardian before statements are made that could seriously impact their lives and well-being? Since 1967 children have had the constitutional right to legal representation in juvenile court proceedings, and have the same Miranda rights protections as adults. Why does this bill assume

that children/youth need protection from recording school events but not from self-incrimination in a police investigation or where they may have been a victim?

Subsection 5(a) limits the bill's assertion of parental rights where the decision would "end life." What is this targeted at? Parents whose child has a brain injury from which they will not recover and are told that they have to make the excruciating decision as to whether or not to remove life support? A parent who finds out their 10 year old daughter has been raped and is pregnant? Who should step in and take over counseling the youth in such situations? According to the rest of this bill, government intrusion on parental rights should be restricted. It is bizarre that we would add a caveat that says that parents should have primary control over decisions concerning their children unless their life is at stake.

Subsection 6 appears to violate basic free speech rights of state employees by compelling speech in poorly defined situations, i.e. where this information is "relevant" to the health of a child. The language in this section is so broad as to render it practically meaningless or in the alternative, an impossible burden on state employees. How much information in a day does a teacher have on each student in their class that is "relevant" to the child's "emotional well-being"? If the teacher is prohibited from withholding this information, do they then have an affirmative duty to report the observed emotional, physical and mental state of each child in their class each day? If a child wants to speak to a school counselor about struggles they are having because they are gay and they fear their parents will kick them out of the house if they find out, this law appears to require the counselor to report that information to a parent. How does that help the child if they are experiencing this situation, and may in fact be kicked out of their home? Does the child not have any right to consult another caring adult in their life before making a decision that could leave them homeless? Should that counselor be subjected to a legal action as contemplated by section 7?

Section 3 of the bill contains no exceptions for child abuse or neglect, and prevents anyone from doing any kind of physical assessment or mental health assessment on a child without parental consent, unless a *physician* establishes that an emergency exists and that the action must be performed to prevent death or imminent irreparable injury, or the parent cannot be located. The goal of this section is what – to prevent a daycare provider at the YMCA from checking to see if a child is OK after falling off of playground equipment?

Without further belaboring the point, this bill is full of ambiguities, inconsistencies and broad statements that appear to be in large part unenforceable and unnecessary. This bill disregards the rights of children,

and the constitutional rights of the various other parties that are implicated by this bill. Our children, parents, teachers, doctors and state employees deserve better. Please vote do not pass on SB 2260.

House Human Services Committee
SB 2260

Good afternoon, Chair Weisz and members of the House Human Services Committee. My name is Angela Sersha and I am an attorney and mom living in Bismarck. Thank you for the opportunity to testify regarding SB 2260 where I am respectfully requesting that this committee issues a Do Not Pass recommendation.

I have the privilege to practice health law and while reviewing this bill I noticed a number of issues that would result in unintended consequences for both healthcare providers and our schools. Specifically, the notion that a suit may be raised by essentially any individual parent who believes their fundamental rights to parent their child have been interfered with or obstructed.

North Dakota common law is clear that a parent's right to parent their child is fundamental with the further expansion in case law that those fundamental rights exist for fit parents because the government rightly has an ability to interfere in instances of abuse and neglect.¹ This bill serves to codify in the law the fundamental rights to parenting. On its face, this does not sound problematic, however, the unintended consequences are what make this legislation unduly burdensome on healthcare providers and schools.

I want to highlight a few examples. Throughout my years of counseling providers of healthcare, I have encountered parents that are wholly absent, perpetually unavailable or worse, actively use the healthcare system as an opportunity to harass an ex-partner. As a result, based on the individual facts, I've counseled on removing access to a child's chart from a parent, or on removing parents that show up but are unable to behave in a hospital setting that disrupts not only their child's care, but the entire unit of children and their parents or when children seem to have no parents or guardians and what was needed to move forward. It happens more often than one would think.

Under SB2260, these legitimate actions could be viewed as an "obstruction or interference" with the fundamental rights of parenting with a right to suit. Litigation is timely and costly. In theory, under this legislation, parents disagreeing on a course of action could each file suits against a healthcare provider if one side over the other is picked. I've seen these types of family court battles spill over into the healthcare setting; creating a cause of action under these circumstances will serve nothing other than to create another avenue for individuals who do not get along all while adding expenses to healthcare. Attempting to dismiss a matter on summary judgment is no small feat and is costly and would create waste not just to healthcare, but has the potential of clogging an already burdened court system.

As a mom, I wanted to further address the impact this law would have on schools and provide a parent's perspective. SB 2260 creates duplication and outlines unduly burdensome requirements that currently exist in other formats. To the point as to why would it be harmful if this was passed

¹ Hoff v. Berg, 1999 ND 115, ¶ 10, 595 N.W.2d 285; In the Interest of G.L., 915 N.W.2d 685, 688+, N.D.

if schools are already doing it, I would respond with why duplicate with more regulation? More laws on the same topic are rarely the answer.

The reality of my experience with the schools and parenting my children is that I have every opportunity and invitation to review curriculum, join the parent teacher organization, participate in surveys on overall direction of the district (which I just filled out last week) and volunteer. The teacher provides me a one-week look back and look ahead. I receive so many updates and announcements, it seems hard to avoid what's going on at my kid's school. And if I miss an email or announcement, every teacher I have experienced so far are open to have conversations and are responsive to inquiries. They are kind, smart and interested in their students' learning and overall success. With all of the information related to the schools that a parent could ever need already very accessible, I would recommend your child's teacher or the school's web site as a great starting point.

As with healthcare, litigation stemming from the ability to file suit could leave our school districts to defend themselves at great expense to the school, or more accurately, taxpayers. In the appropriate situations, the ability to sue a school district already exists, but the idea that a suit could be filed because an individual claims their fundamental rights as a parent have been obstructed or interfered with is a very low threshold for suit based on the draft of this law. Modification to equitable relief does not negate the fact that teachers and administrators would need to spend time defending their actions rather than focusing on what matters, our children.

Finally, I have a strong preference for local control and that is the reason we have school boards. Ultimately, if a community feels that their school board is not listening to them or addressing the education of our youth properly, we all have the option of running for the school board or just voting for someone who better reflects our community. Who better to reflect the local community needs, demands and preferences than our neighbors? What works for Bismarck may not work for Watford City and what works in Bottineau may not work for Fargo. What works in Georgia may not work in North Dakota. Any time you level up in government, that local community voice gets lost, much like the state vs the federal government. Local control and autonomy of our school boards to determine what each respective community needs must continue rather than far away think tanks that are attempting to pass cookie cutter legislation in states across America that I don't think understand North Dakota.

Based on SB2260's unintended consequences of duplicating requirements, potential for taxpayer waste, the removal of the local school district community's voice, the overall burden on schools, healthcare and parents to comply with yet another layer of regulation, I respectfully request a Do Not Pass.

Thank you. I would be happy to stand for any questions.

House and Human Services

I am Sharlet Mohr from District 23.

I am asking you to render a Do Pass on 2260

Thank you,

Sharlet Mohr

Members of the House Human Services Committee:

My name is Shaunna Upgren and I reside in District 8. I am using that you please render a DO PASS on SB 2260.

This bill will ensure that parents have the fundamental and exclusive right to direct the upbringing, education, health care and mental care of their child without undue interference from the state or governmental agencies. I am a homeschooling mom and highly value my right to educate my children at home. My children have stated that they would like to homeschool their children, and I want to ensure that their right to educate their own children stays intact. The rights should always remain with the parents for education, upbringing and health.

Please render a DO PASS on SB 2260.

Thank you,
Shaunna Upgren

To whom it may concern:

My testimony is in opposition to Senate Bill 2260. As a veteran teacher in North Dakota, I ask that you give this bill a Do Not Pass.

Lessons in a classroom are always changing. They do not always go as expected and it is essential for educators to have the opportunity to adjust as needs arise in the classroom. This bill limits that.

If extra material were required to learn a concept, this bill would require a teacher to wait at least 3 days to get "parental consent". As a math teacher, there is a large amount of material to cover and I cannot wait three or more days to cover a concept, as math is a subject that often builds upon previous lessons.

This bill comes down to control. Curriculum as well as board policies get the final decision from an elected board. Boards where members are parents and community members. Parents who have problems with their local curriculum or other school policies should discuss this with their local boards. This is not a state issue; it is a local school issue.

Rebecca Huss

Wednesday, March 22, 2023

To Whom it May Concern:

We are in opposition of bill SB 2260.

Video can provide evidence of students doing wrong doing and provide clarity in a situation of he said/she said. Sometimes kids will run and leave the area they are supposed to be in. Sometimes we need it to find kids if we don't know where they are.

Lesson plans are fluid and sometimes we need to make adjustments on the fly or reteach, so we have to go off of our lessons. Sometimes we realize there needs to be more reteaching. Teachers have the mastery to teach the lessons without having every tiny detail written down.

Adding unrealistic demands will increase teacher burnout and others will shy away from the profession.

Thank you for reading our concerns.

Kim Burge

Jenna Voegele

Emma Zahn

Beulah Elementary School

4th Grade

I think this bill would be detrimental to teacher retention in North Dakota, it not only questions our ability as professionals but also allows people who may not have any educational background control what and how we teach. There is already a huge teacher shortage in North Dakota and passing this bill would only make these difficult times even harder for everyone involved in education.

Good morning Chairman Weisz and members of the Human Services Committee. For the record, my name is Bob Paulson, and I'm a State Senator from District 3 in Minot.

SB 2260 is a bill to codify parental rights in North Dakota. Some people have questioned whether this bill is necessary, and have asked what things are happening in North Dakota that led to the introduction of SB 2260. I think it's appropriate to attempt to answer that question.

First, there are things going on nationally. As parents learned more about what their children were being taught during COVID, they raised concerns at school board meetings and were met with threat of FBI investigation, effectively treating them like terrorists. That wasn't limited to any one state—the FBI's memo applied nationwide, including right here in North Dakota. Virginia gubernatorial candidate Terry McAuliffe said, "I don't think parents should be telling schools what they should teach." Rep. [Eric Swalwell, D-Calif.](#), lamented how "stupid" it is for parents to be in charge of their kids' education.

As I spoke with parents and teachers from across the state concerning this bill, they shared things of concern that are going on in North Dakota. Things like:

- Children in elementary school being given surveys that asked questions about gender identity without parental notification
- Children being asked what their preferred pronouns or preferred names are, allowing for the use of a name or identity of the opposite sex without parental notification.
- Biological males permitted to use female bathrooms (K12)
- Teachers being given mandatory training in Social Emotional Learning curriculum
- A teacher teaching the United Nations Sustainable Goals-Agenda 2030,
- A class on spiritualism with guided meditation (teacher called in sick)
- A Gender & Sexualities Alliance club meeting during school hours with a faculty advisor
- There are books in school libraries that describe how to get an app that is used to find others in your area interested in gay sex. This book and others describe specific techniques and recommendations for how to engage in gay sex. There was a direct link between the app and human

- trafficking. The parents I spoke with who had children in the school were unaware of these books. Additionally, the leadership of the school district was unaware of these books that are in the library.
- Last week a parent emailed me and told me the following, “My daughter was forced to use false pronouns in her 7th grade class and penalized by the teacher in her daily citizenship grade. She was chosen as a Sources of Strength student and would not lie about the pronoun for her classmate's preferred identity. Citizenship grades are very important to us as parents, and addressing a child by their true and biological pronoun should not be punishable.”
 - Of particular concern are policies that have been adopted by school districts in North Dakota that state, “School staff shall not disclose any information that may reveal a student’s transgender status to others, including parents or guardians and other school staff unless legally required to do so or the student has authorized such disclosure.” This language comes from a model policy provided by a North Dakota state-wide association.

The most telling thing to me was that the teachers who talked to me either refused to put things in writing, or only did so with assurances from me that I would not name them in my testimony. Think about that. These teachers are afraid of retribution. Fear of cancel culture exists in North Dakota.

These things going on in our state are why I felt it was critical to introduce this bill.

Here are some things that I believe we need to establish in North Dakota, and this bill seeks to do just that:

1. That Children are born to parents and into families that form the building blocks of a society.
2. That the laws of a society should affirm the natural order of parents raising their children and reject the idea that children are products and property of the government.
3. That we must protect parents’ fundamental right and duty to direct the upbringing and education of their children.

When it comes to Public School Curricula, there should be:

Accountability: Teachers and school administrators should not betray parents' trust by hiding information or indoctrinating students with ideas directly contrary to their family's sincere beliefs.

Choice: Parents should know what their children are taught and should have the freedom to opt-out of controversial curriculum or choose the schooling solution that best fits their families.

Transparency: Parents are ultimately responsible for their children. Public schools have a responsibility and duty to be transparent about what they are teaching children and to respect parents' wishes when it comes to divisive and potentially harmful issues including gender ideology or critical race theory.

A parent's right to direct their children's upbringing doesn't end at the schoolhouse gate.

When It comes to Medical Decision-Making

Parents know their children best. Their medical and moral decisions for their children should not be ignored or overruled, either by school officials or others. Schools have a responsibility to keep parents informed—they cannot hide information about a child's mental or physical well-being from their parents. Only parents have the authority to make medical decisions for their minor children. No-one knows their children better than parents do, and nobody loves their children more than parents do.

A parent has a right to be a parent. Parents won't take a back seat in their children's health decisions.

If you refer to the handout I passed out, it gives you an idea of what is going on across the nation. 14 states have passed laws to protect parental rights, including red, purple and blue states. There are at least 27 states running some type of parental rights legislation this year.

Referring to the bill, In section 1 it states: This state, any political subdivision, or any other governmental entity may not substantially burden the fundamental right of a parent to direct the upbringing, education, health care, and mental health of that parent's child without demonstrating that the burden is required by a compelling governmental interest of the highest order as applied to the parent

and the child and is the least restrictive means of furthering that compelling governmental interest. This includes the right to direct the education of the child, review their child's educational record, direct the upbringing and the moral or religious training of the child, and make and consent to a physical or mental health care decision for the child. Additionally, it ensures that a parent is notified promptly if there is suspected abuse, neglect, or a criminal offense has been committed against the child, and that they can opt their child out of any survey or data collection, and have the child excused from school attendance for religious purposes. It ensures that an employee of the state, except for law enforcement personnel, may not encourage or coerce a child to withhold information from the child's parent and may not withhold information that is relevant to the physical, emotional, or mental health of the child from a child's parent. It includes a cause of action so that a parent has a means of recourse if these parental rights are not upheld.

In section 2, The board of a school district shall develop and adopt a policy to promote the involvement of parents of children enrolled in the school district, procedures to inform a parent about the course of study for that parent's child and review curriculum. Procedures to notify a parent at least three days in advance and obtain the parent's written consent before the parent's child attends any instruction or presentation that relates to gender roles or stereotypes, gender identity, gender expression, sexual orientation, or romantic or sexual relationships. Procedures for a parent to object to a specific presentation or instruction on the basis that it is harmful and to withdraw that parent's child from the presentation or instruction. A procedure to inform a parent about the nature and purpose of clubs and extracurricular activities, and a procedure to withdraw that parent's child from them. Procedures requiring parental written consent before a child uses a name or nickname other than the child's legal name, or before a child uses a pronoun that does not align with the child's sex. Notwithstanding parental consent, a school may not require an individual to use pronouns that do not align with the child's sex. Procedures by which a parent may learn about parental rights and responsibilities under the laws of this state. A parent shall submit a request for information to the school principal or the superintendent of the school district. Within ten days of receiving the request for information, the school principal or the superintendent shall deliver the

requested information or a written explanation of the reasons for the denial of the requested information to the parent. If the request for information is denied or the parent does not receive the requested information within the allotted time, the parent may submit a written request for the information to the board of the school district, which shall consider the request during executive session at the next meeting of the board. This section also includes a cause of action.

In section 3, the consent of a parent of a child shall be obtained before a surgical procedure or a physical examination of a child, before prescribing or dispensing a medication or prescription drug to a child; or before any mental health evaluation or treatment on a child. However, this section does not apply when it has been determined by a physician that an emergency exists and either It is necessary to perform an activity listed in subsection 1 to prevent death or imminent, irreparable physical injury to the child, or the person obtaining parental consent cannot locate or contact the parent of the child after a reasonably diligent effort.

Then there is a list of items currently in code where a minor can already receive medical care without the consent of the parent. And finally, there is a cause of action for section 3.

Chairman Weisz, that is the bill, I would respectfully ask for a Do Pass and I will stand for any question.



Great Public Schools

Great Public Service

**Testimony before the House Human Services Committee
In opposition of SB 2260
Michael Geiermann, North Dakota United
March 22, 2023**

Chairperson Weisz and members of the House Human Services Committee. I am Michael Geiermann. I serve as general counsel for North Dakota United. I appear before you today in opposition to SB 2260. This bill purports to grant to parent's fundamental rights to direct their children's education, health care and mental health. The state, political subdivisions and other governmental agencies may not interfere with the exercise of those rights without showing, presumably in a court room, a compelling governmental interest and that the governmental action is the least restrictive method possible. The scope of this bill is incredibly broad. I am only here to address the issues as they relate to education. I am not going to address issues related to health care or mental health. While the bill provides a number of instances of how parents can control their child's education, in the event that control is infringed upon, it then authorizes litigation against the offending parties whether it is the state, political subdivision or an individual employee.

To stand before this committee and oppose this bill may be seen by its supporters as anti-parent. Testifying against parental control will not be taken well by some and will serve as ammunition to criticize the teachers of North Dakota. Nothing could be further from the truth. Teachers welcome parental involvement in their child's education. Teachers want the insight of parents on how best to disseminate ideas and information to students. Teachers encourage parents to get involved in not only the curriculum of the school but all the school-related activities. This bill is not about increasing that parental involvement or participation. It's about changing the very method of providing education to the children of this state. It's about granting absolute control to parents over their children's education and ensuring that control with the threat of lawsuits.

In reviewing this bill, the first issue to be discussed is the establishment of a fundamental right. A fundamental right generally has its origins in the Constitution, not in statute. Less than a week ago, the North Dakota Supreme Court in *Wrigley v. Romanick*, 2023 ND 50 stated "fundamental rights are those which are deeply rooted in the history and tradition and are implicit in the concept of ordered liberty." The Supreme Court, in determining if a fundamental right exists looks at the plain language of the constitution. What does that term "fundamental right" mean in the context of this bill? Do these fundamental rights have their origin in the U.S. or N.D. Constitution? Have the fundamental rights supposedly to be established in this bill been recognized by the North Dakota Supreme Court? Or are these fundamental rights created by the legislature? Can the legislature create a fundamental right to allow a parent to control their child's education? The North Dakota Supreme Court has recognized the fundamental right of a parent to raise their children.

However, that right is not unlimited. It is beyond question in this jurisdiction that parents have a fundamental constitutional right to parent their children which is of the highest order. . . . Only a compelling state interest justifies burdening the parent's fundamental right to enjoy a relationship with his or her child, and the state must bear the burden of demonstrating the necessity for doing so in this instance.

However, in the cases decided by the North Dakota Supreme Court in which the Court has addressed a parent's fundamental right to raise their children, those cases did not present the issue of whether parents had fundamental constitutional right to control their child's education. Furthermore, the North Dakota Constitution does provide the right to a public education is a fundamental right. The education provided in North Dakota is to be uniform. Article VIII of the North Dakota Constitution requires:

Section 2. The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.

Section 3. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

Section 4. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

However, the constitutional right to education did not create an absolute right of parents to control that right as set forth by the framers of our Constitution. Nor is there a fundamental right to control education reserved to parents in the Constitution. Before the merits of this bill can be considered, the issues relating to the purported establishment of a fundamental right by the legislature must be initially addressed.

As drafted, the term used in this bill as it relates to a parent's fundamental right is the term "to direct" the child's education. The term is not defined in the statute. Words in statutes are to be understood in their ordinary and everyday meanings. Oftentimes, the North Dakota Supreme Court will look to a dictionary to define an undefined word in a statute. The term "direct" is defined as "to regulate the activities or course of," "to carry out or supervise" and "to dominate and determine." It could be argued "to direct" means to control.

The bill initially contains a general policy statement allowing parents to "direct" their children's education." (Page 1, lines 14-19). This parental control is not absolute as the state or school district can infringe upon that right by showing a compelling governmental interest and that the infringement is the least restrictive method. There are limitations placed upon the rights of the parents.

However, the bill then contradicts the above referenced provisions by stating that parental rights are reserved to a parent “without obstruction by or interference from the state, political subdivision, a governmental entity... to direct the education of a child and to make reasonable choices within a public school for the education of the child” (Page 1, lines 20-23 to Page 2, lines 1-3). The statute uses the word “reserved exclusively.” Do these rights already exist or are they created under this statute? If they already exist, where are they found in the Constitution? It also appears the state’s or a school district’s ability to object to the control of a parent is eliminated as the bill states “without obstruction by or interference.” The parental control appears to be absolute.

This bill allows parents to control their child’s education within the framework of the public school system. It allows parents to make “reasonable choices within a public school for the education of their child.” (Page 2, lines 2-3). What is the definition of reasonable? Anything the parent wants for the education of their child, short of abuse and neglect, will be seen as reasonable because by its terms, the school district and the state have no authority to object or refuse the demand of the parent. The parents run the show!!

The bill, in section 2, then requires significant involvement of the school district in drafting and enforcing policies relating to the exercise of these parental rights. The bill requires the development of a plan for parent participation designed to improve parent and teacher cooperation in the areas of homework, attendance, and discipline. Since the rights are individual to each parent, does that require a personalized plan for each parent? Does the parent have the right to control when their student does homework, attends certain classes or the type of discipline for the child? And if a school district sets forth a plan and the parent objects, does the school district and teachers relent and allow for the parents control because of fear of litigation? Of course, under the statute, if the school district or the teacher cannot come up with an approved plan with the parent, they face the possibility of being sued and paying attorney fees. (Page 4, lines 4-24, Page 5, lines 24-29).

The district and ultimately the teachers who establish the curriculum are then required to establish a policy to notify the parent at least three days in advance if the class will be discussing anything to do with gender, sexual or romantic issues. If the parent objects, their child may be excused from the lesson on the material. This provision of this section of the bill is straight forward. (Page 4 lines, 25-28).

The portion of the bill which is confusing and ambiguous is the requirement to establish procedures for a parent to object to a specific presentation or instruction which is “harmful.” Who determines if the presentation or instruction of a particular subject or topic is harmful? It appears the parent has an unfettered right to do so and if the district or the teacher believes otherwise or disagrees, they get sued. (Page 4, lines 29-31). The examples of the unworkable nature of these procedures are obvious. The identification of hot button issues is easy for the proponents: gender issues, sex, AIDS. The examples are much more difficult when the issues are the instruction and explanation of slavery in the United States, the Civil War, the Holocaust, the internment of patriotic Japanese Americans during World War II, the need for a Civil Rights Act, and Watergate. If a parent believes

these topics are harmful to their child, under this bill, the child is excluded. Does the child simply skip those lessons? Is there an alternative lesson to be taught? Is the teacher required to teach that the Civil War was about state's rights and not about slavery? Are those subjects then excluded from the test? Does the child whose parents have excluded them from the class or lesson receive the same grade and credit as compared to a child who attends all the lessons or presentations? Does the objection by a few parents deny someone else's child in the class their constitutional right to learn about "harmful" topics? It will be far easier for a teacher to exclude a "harmful" topic from the curriculum than to get sued.

This bill in essence creates another layer of administration for teachers. If an elementary teacher has 29 students in their classroom, under this bill, the teacher has to now legally answer to 29 sets of new administrators on how the teacher believes they should teach their students. That number will grow if the parents are divorced. If the teacher works in a high school, that teacher must now answer legally, with the threat of litigation, to an extraordinary number of parents who now have the same authority as administrators when it comes to subject matter, curriculum, presentation of that curriculum and academic freedom.

While the current system may not be perfect, North Dakota teachers, administrators and school districts provide one of the best educational systems in the country to their students. The system can always be improved. This bill is not an improvement. It is a hinderance. There are mechanisms in place for teachers and administrators to seek, receive and implement parental input as to the education of their students. This bill simply increases the pressure on already overworked and underappreciated teachers and administrators.

This bill does not help alleviate the critical teacher shortage we face in this state and all over the nation. North Dakota needs to recruit new teachers, not discourage them. Bills like this will force remaining teachers out of the profession and will cause new teaching candidates to second guess teaching as a potential career path. This bill is simply a blatant form of censorship. Realistically, as soon as the class or lesson is over, the excluded student whose parents believe the content of the lesson was "harmful" can obtain the same information on the internet.

I have watched the teacher shortage crisis evolve in this state for 35 years. I have seen the rights given to teachers continually attacked and diminished. This bill continues that attack. Our teachers deserve respect. They deserve to be trusted as they have earned it. They should not be subjected to lawsuits when they assert a well-intentioned and qualified curriculum for their students.

I would urge a do not pass recommendation from this committee to SB 2260.

23.0421.04004

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2260

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Dyk, Heilman, Novak

1 A BILL for an Act to create and enact a new section to chapter 14-09, and a new section to
2 chapter 15.1-09, ~~and a new section to chapter 23-12~~ of the North Dakota Century Code, relating
3 to fundamental parental rights, and parental involvement in education, ~~and parental right to~~
4 ~~consent to medical treatment of the parent's child.~~

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

6 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Parental rights and responsibilities - Fundamental rights.**

9 1. As used in this section, unless the context otherwise requires:

10 a. "Child" means an individual under the age of eighteen.

11 b. "Parent" means a biological parent of a child, an adoptive parent of a child, or an
12 individual who has been granted exclusive right and authority over the welfare of
13 a child under state law.

14 2. This state, any political subdivision, or any other governmental entity may not
15 substantially burden the fundamental right of a parent to direct the upbringing,
16 education, health care, ~~and~~ mental health, and moral or religious training of that
17 parent's child without demonstrating that the burden is required by a compelling
18 governmental interest of the highest order as applied to the parent and the child and is
19 the least restrictive means of furthering that compelling governmental interest.

20 3. Parental rights are reserved exclusively to a parent of a child without obstruction by or
21 interference from the state, a political subdivision, or a governmental entity, ~~or other~~
22 institution, including the right to:

- 1 a. ~~Direct the education of the child, including the right to choose public, private,~~
2 ~~parochial, or home schooling, and the right to make reasonable choices within a~~
3 ~~public school for the education of the child.~~
- 4 ~~b. Access and review a written or electronic educational record relating to the child~~
5 ~~which is controlled by or in the possession of a school.~~
- 6 ~~c. Direct the upbringing of the child.~~
- 7 ~~d. Direct the moral or religious training of the child.~~
- 8 ~~e. Make and consent to a physical or mental health care decision for the child as~~
9 ~~required under section 3 of this Act.~~
- 10 ~~f. Access and review a health or medical record of the child.~~
- 11 ~~g. Consent in writing before a biometric scan of the child is made, shared, or stored.~~
- 12 ~~h. Consent in writing before a record of the child's blood or deoxyribonucleic acid is~~
13 ~~created, stored, or shared, unless authorized pursuant to a court order.~~
- 14 ~~i. Consent in writing before any governmental entity makes a video or voice~~
15 ~~recording of the child, unless the video or voice recording is made during or as a~~
16 ~~part of:~~
- 17 ~~(1) A court proceeding;~~
- 18 ~~(2) A law enforcement investigation;~~
- 19 ~~(3) A forensic interview in a criminal or department of health and human~~
20 ~~services investigation; or~~
- 21 ~~(4) The security or surveillance of buildings or grounds.~~
- 22 **j.b.** Be notified promptly by an authorized representative of the state, a political
23 subdivision, ~~or other~~ governmental entity, or ~~other institution~~ if an employee of
24 the entity ~~or institution~~ suspects abuse, neglect, or a criminal offense has been
25 committed against the child, unless the employee has reasonable cause to
26 believe the parent committed the offense.
- 27 **k.c.** Opt the child out of any personal analysis, evaluation, survey, or data collection
28 by a school district which would capture data except what is necessary to
29 establish a student's educational record.
- 30 **l.d.** Have the child excused from school attendance for religious purposes.
- 31 **m.e.** Participate in parent-teacher associations and school organizations.

- 1 4. This section does not authorize or allow a parent to abuse or neglect a child as
2 provided under sections 14-09-22 and 14-09-22.1.
- 3 5. This section does not:
- 4 a. Apply to a parental action or decision that would end life.
- 5 b. Prohibit a court from issuing an order that is otherwise permitted by law.
- 6 6. An employee of the state, a political subdivision, or a governmental entity, except for
7 law enforcement personnel, may not encourage or coerce a child to withhold
8 information from the child's parent and may not withhold information that is relevant to
9 the physical, emotional, or mental health of the child from a child's parent.
- 10 7. A parent may bring suit for a violation of this section and may raise the section as a
11 defense in a judicial or administrative proceeding whether the proceeding is brought
12 by or in the name of the state, a private person, or other party. A person that
13 successfully asserts a claim or defense under this chapter may recover declaratory
14 relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs,
15 and other appropriate relief, unless the claim is asserted against a government
16 employee. Equitable relief is the only remedy available for a claim against a
17 government employee. A school board shall indemnify and hold harmless all school
18 personnel for a violation of this section.

19 **SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
20 and enacted as follows:

21 **Parental involvement.**

- 22 1. As used in this section, unless the context otherwise requires:
- 23 a. "Child" means an individual under the age of eighteen.
- 24 b. "Curriculum" includes textbooks; reading materials; handouts; videos;
25 presentations; digital materials; websites; online applications; digital applications
26 for a phone, laptop, or tablet; questionnaires; surveys; or other written or
27 electronic materials that have been or will be assigned, distributed, or otherwise
28 presented physically or virtually to students in a class or course.
- 29 c. "Educational records" includes attendance records, test scores of school-
30 administered tests and statewide assessments, grades, extracurricular activity or
31 club participation, electronic mail accounts, online or virtual accounts or data.

1 disciplinary records, counseling records, psychological records, applications for
2 admission, health and immunization information including any medical records,
3 teacher and counselor evaluations, and reports of behavioral patterns.

4 d. "Parent" means a biological parent of a child, an adoptive parent of a child, or an
5 individual who has been granted exclusive right and authority over the welfare of
6 a child under state law.

7 ~~e. "Teacher training materials" means materials used for professional development,~~
8 ~~including a presentation, video, or written or electronic materials used or~~
9 ~~distributed for a training activity.~~

10 2. The board of a school district, in consultation with parents, teachers, and
11 administrators, shall develop and adopt a policy to promote the involvement of parents
12 of children enrolled in the school district, including:

13 a. A plan for parent participation designed to improve parent and teacher
14 cooperation in areas including homework, attendance, and discipline;

15 b. Procedures to inform a parent about the course of study for that parent's child
16 and review curriculum. These procedures shall allow a parent to:

17 (1) Review the syllabus, curriculum, and teacher training materials for each
18 class or course that in which a parent's child is enrolled in at least seven
19 days before the start of each class or course. The syllabus shall include a
20 written description of all topics and subjects taught in a class or course, a
21 list of all curriculum used in the class or course, the identity of all individuals
22 providing in-person or live remote instruction in the class or course, and a
23 description of any assemblies, guest lectures, field trips, or other
24 educational activities that are part of the class or course;

25 ~~(2) Review, copy, and record all curriculum for each class or course offered by~~
26 ~~the school and any teacher training materials at least three days before use~~
27 ~~of the curriculum or teacher training materials; and~~

28 (3)(2) Meet with the teacher of the class or course, the principal, or other
29 representative from the school to discuss the curriculum and teacher
30 training materials.

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- ~~c. Procedures to notify allow a parent at least three days in advance and obtain the parent's written consent before the parent's child attends to opt-out of any instruction or presentation that relates to gender roles or stereotypes, gender identity, gender expression, sexual orientation, or romantic or sexual relationships the parent deems inappropriate for that parent's child;~~
 - ~~d. Procedures for a parent to object to a specific presentation or instruction on the basis the presentation or instruction is harmful and to withdraw that parent's child from the presentation or instruction. A parent may object to a specific presentation or instruction that questions beliefs or practices regarding sex, morality, or religion based on harmfulness;~~
 - ~~e. A procedure to inform a parent about the nature and purpose of clubs and extracurricular activities approved by the school and a procedure to withdraw that parent's child from a club or extracurricular activity;~~
 - ~~f. Procedures requiring parental written consent before a child uses a name or nickname other than the child's legal name, or before a child uses a pronoun that does not align with the child's sex. Notwithstanding parental consent, a school may not require an individual to use pronouns that do not align with the child's sex; and~~
 - ~~g. Procedures by which a parent may learn about parental rights and responsibilities under the laws of this statethis section and section 1 of this Act;
and~~
 - ~~e. A policy providing a school may not require an individual to use pronouns to refer to a child which do not align with the child's sex.~~
3. The board of a school district may adopt a policy to publish the information required by this section in an electronic form.
 4. A parent shall submit a written or electronic request for information pursuant to this section to the school principal or the superintendent of the school district. Within ten days of receiving the request for information, the school principal or the superintendent shall deliver the requested information or a written explanation of the reasons for the denial of the requested information to the parent. If the request for information is denied or the parent does not receive the requested information within

1 the allotted time, the parent may submit a written request for the information to the
2 board of the school district, which shall consider the request during executive session
3 at the next meeting of the board.

4 5. A parent may bring suit for a violation of this section and may raise the section as a
5 defense in a judicial or administrative proceeding whether the proceeding is brought
6 by or in the name of the state, a private person, or other party. A person that
7 successfully asserts a claim or defense under this chapter may recover declaratory
8 relief, injunctive relief, compensatory damages, reasonable attorney's fees and costs,
9 and other appropriate relief. A school board shall indemnify and hold harmless all
10 school personnel for a violation of this section.

11 ~~SECTION 3. A new section to chapter 23-12 of the North Dakota Century Code is created~~
12 ~~and enacted as follows:~~

13 ~~Parental consent.~~

14 ~~1. As used in this section, unless the context otherwise requires:~~

15 ~~a. "Child" means an individual under the age of eighteen;~~

16 ~~b. "Parent" means a biological parent of a child, an adoptive parent of a child, or an~~
17 ~~individual who has been granted exclusive right and authority over the welfare of~~
18 ~~a child under state law.~~

19 ~~2. Except as otherwise provided by law or court order, an individual, corporation,~~
20 ~~association, organization, state-supported institution, or individual employed by any of~~
21 ~~these entities shall obtain the consent of a parent of a child before taking any of the~~
22 ~~following actions:~~

23 ~~a. Procuring, soliciting to perform, arranging for the performance of, providing a~~
24 ~~referral for, or performing a surgical procedure on a child;~~

25 ~~b. Procuring, soliciting to perform, arranging for the performance of, providing a~~
26 ~~referral for, or performing a physical examination of a child;~~

27 ~~c. Prescribing or dispensing a medication or prescription drug to a child; or~~

28 ~~d. Procuring, soliciting to perform, arranging for the performance of, providing a~~
29 ~~referral for, or performing a mental health evaluation or mental health treatment~~
30 ~~on a child.~~

- 1 ~~3. If the parental consent pursuant to subsection 2 is given through telemedicine, the~~
2 ~~individual or entity obtaining parental consent must verify the identity of the parent at~~
3 ~~the site where the consent is given.~~
- 4 ~~4. This section does not apply when it has been determined by a physician that:~~
- 5 ~~a. An emergency exists; and~~
- 6 ~~b. Either of the following conditions is true:~~
- 7 ~~(1) It is necessary to perform an activity listed in subsection 1 to prevent death~~
8 ~~or imminent, irreparable physical injury to the child, or~~
- 9 ~~(2) The individual or entity obtaining parental consent cannot locate or contact~~
10 ~~the parent of the child after a reasonably diligent effort.~~
- 11 ~~5. This section does not apply to:~~
- 12 ~~a. An abortion, which is governed by section 14-02.1-03.1;~~
- 13 ~~b. The treatment of a sexually transmitted disease or substance use disorder under~~
14 ~~section 14-10-17;~~
- 15 ~~c. Emergency care of a minor under section 14-10-17.1;~~
- 16 ~~d. Blood donation under section 14-10-18.1;~~
- 17 ~~e. Prenatal care and other pregnancy care services under section 14-10-19; or~~
- 18 ~~f. Health care for an unaccompanied homeless minor under section 14-10-20.~~
- 19 ~~6. A parent may bring suit for a violation of this section and may raise this section as a~~
20 ~~defense in a judicial or administrative proceeding whether the proceeding is brought~~
21 ~~by or in the name of the state or other person. A person that successfully asserts a~~
22 ~~claim or defense under this chapter may recover declaratory relief, injunctive relief,~~
23 ~~compensatory damages, reasonable attorney's fees and costs, and other appropriate~~
24 ~~relief.~~