



1 **HB 1356 – Relating to a youth patriotic society’s access to students during school hours.**

2 **NDCEL Opposition**

3 Chairman Schaible and members of the Senate Education Committee. Thank you for the
4 opportunity to testify on this HB 1356. We are here today to testify in opposition to HB 1356.

5 Managing what should be in law and what should be managed by board policy is precarious. We
6 understand that you have that tough job each day of session. Today we ask you to do the same
7 thing in this bill. Please do not misconstrue this testimony to indicate that we have any ill will
8 whatsoever with regard to the Boy Scouts or Girl Scouts – quite the contrary. Our objection is to
9 process. The leaders in your schools believe that the decision of who can come to the school and
10 speak to students should be up to the school and should be governed by local school board policy.
11 HB 1356 takes that ability away from the principal, superintendent, and school board. We feel that
12 HB 1356 is well intended in that it would allow students to hear from Patriotic Societies, but we
13 feel that the language of the bill could ultimately have a negative effect on the school, and students
14 by potentially putting a school into a forced decision that would put them in direct violation of
15 several areas of law and openly exposing our districts to litigation is something we’d ask you to
16 please reconsider. What my colleague with NDSBA outlined for you today is quite clear. Beyond
17 those points, there are other things to strongly consider:

- 18 • If access to the schools was a statewide pervasive problem that needed rectification via
19 century code, are there multiple examples of school board minutes showing this?
- 20 • In light of the precious time our teachers have with our students regarding instructional
21 time, is taking away from this time for recruitment into these societies appropriate?
- 22 • In light of the testimony on the reading amendment we just heard yesterday in 1388 – is
23 this where we should be additionally spending instructional time?
- 24 • If parents would like their students to be a part of the Boy Scouts and Girl Scouts – do they
25 have a responsibility to help them enroll, or does the assistance in recruiting for a group
26 also now in the ever-growing responsibilities of teachers and schools?

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education
for all students in North Dakota.*

Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler



- 27 • If it is this group this session, where does it stop? Does this set a dangerous precedent?
- 28 • If it is a patriotic group – whose definition of patriotism? There are definitions that are
- 29 very right leaning and very left leaning....we can go from the 1776 project to the 1619
- 30 project is it appropriate to remove the protective layer that our boards put in place with
- 31 good policy?
- 32 • The intent of the bill is for the scouts, but the section of law referenced in the bill includes
- 33 89 organizations. Is it possible that those other groups would want that same access and
- 34 find a way to fit under law? Those groups are attached online.

35 A part of the role of a school is to protect instructional time. Schools have locally established

36 policies about groups coming in outside of instructional time and offer equal access rights to such

37 groups on the basis of their local policy. Equal access is also a federal requirement for our schools

38 which is an additional conversation we could have. Allowing this in-road into the regular school

39 day and ultimately instructional time has the potential to erode the overall instructional obligation

40 of the district.

41 This bill also does not state if a student **must attend** the presentation and recruitment. What

42 about students whose religious or cultural believes do not coincide with these organizations? Are

43 they forced to attend? According to the bill they would be. The bill also does not specify if

44 parents need to be notified, which raises the question as to whether parents should have the

45 ultimate say as to who could be recruiting their child and for what reasons.

46 Because of this we respectfully share our concerns on HB 1356 and hope that this body continues

47 to vote the way it has on this bill over the past couple sessions – Red.