



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

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**SB 2278**  
**Senate Judiciary Committee**  
**February 2, 2021**  
**Testimony of Alexis Baxley**

Good morning Madame Chair Larson and members of the Senate Judiciary Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 175 public school districts and several special education units in North Dakota.

NDSBA stands in support of SB 2278. North Dakota school districts and school boards are tasked by Article VIII of the North Dakota Constitution and Chapter 15.1 of North Dakota Century Code to provide a free education for all children of legal school age within their districts. School boards, their administrators, and their staff fulfill this obligation to the best of their abilities every single day.

When the COVID-19 pandemic created a new and particularly daunting set of challenges in executing this duty, school districts found new ways to continue education students. In good faith, they adjusted their delivery model, adjusted their employee leave and student absence policies, adjusted their food services, among a multitude of other things. Beginning in March 2020, districts did their best to protect their students and staff while adhering to continually changing federal and state regulations, directives, and guidance. They did so in order to continue fulfilling their mission while simultaneously doing their best to protect their students and staff from a new virus that not much was known about. The idea that districts, their board members, or their staff might be held liable for damage, loss, or injury as a result of COVID-19 is disheartening.

We struggle to find school board members in many of our communities. As you know, being an elected official is often a thankless job, but you show up every day because you care about the state and its citizens. School board members often have full-time jobs and families, from which they sacrifice time for their local school district because they care. I worry that without the type of liability-protection included in SB 2278, fewer North Dakotans will be willing to step up and serve.

We appreciate Senator Rust and the bill sponsors who have brought this bill forward and believe that protecting our school districts from liability related to the COVID-19 pandemic is necessary to continue operating public schools without interruption.

NDSBA supports SB 2278 for these reasons and asks that the committee give it a Do Pass recommendation.