

Testimony in Opposition to SB 2247

By Dr. Daniel Rice, Former Dean of the College of Education and Human Development and Professor Emeritus of Educational Leadership at UND. My testimony reflects my own views and does not represent a position by UND.

Chair Heinert and Members of the House Education Committee **I respectfully oppose HB 2247** for the following reasons:

1. The bill on its face is clearly **unconstitutional**. The [North Dakota State Constitution states in Article VIII, Section 6.6.b](#), “The state board of higher education shall have **full authority** over the institutions under its control...” (emphasis added). This bill usurps the legal authority granted to the State Board of Higher Education (SBHE) by the citizens of the state in the ND Constitution. Neither the Governor nor the Legislative Assembly have the legal authority to intrude into the management and administration of the institutions of higher education in the State of North Dakota. The Board was created by an initiated measure of the citizens in 1938 in order to protect higher education from exactly this kind of political intrusion.
2. The bill is obviously an aspect of the “culture wars” and, as such, is an effort to intrude politics into the management, administration, and curriculum of higher education institutions – an effort which is prohibited by the State Constitution.
3. If individual members of the Legislative Assembly have concerns about the management and administration of higher education, the appropriate and constitutional way to address those concerns is in writing to or by appearing before an official meeting of the Board. **Attempting to embody those concerns in the Century Code is a clear violation of the plain language and intent of the State Constitution.**
4. I agree with other opposition testimony which speaks to the **redundancy of much of this bill with other state and federal laws.**
5. **Definitions and prohibitions in the bill are vague and open to confusing interpretation** and would be impossible to implement in actual classrooms, open and free discussions on campus, and the research by faculty and students without violating academic freedom and freedom of speech.
6. Importantly, at its February 23, 2023 meeting, the **Board voted to oppose SB 2247** along with other misguided bills that attempt to violate the Board’s Constitutional authority.

For these reasons I strongly urge the House Education Committee to give SB 2247 a **DO NOT PASS** recommendation.