

Wolf, Sheldon

From: Lee, Judy E.
Sent: Saturday, March 18, 2023 11:33 PM
To: -Grp-NDLA Senate Human Services; Wolf, Sheldon; Lahr, Pat; NDLA, Intern 02 - Pouliot, Lindsey
Subject: FW: 1362

Info on 1362

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
Home phone: 701-282-6512
Email: jlee@ndlegis.gov

From: Baesler, Kirsten K. <kbaesler@nd.gov>
Sent: Tuesday, March 14, 2023 7:45 AM
To: Lee, Judy E. <jlee@ndlegis.gov>
Subject: 1362

Good morning, Senator Lee.

It has been brought to my attention that amendments have been proposed to HB 1362 by NDCEL.

These same amendments were brought forward to the House and Majority Leader Lefor asked for some additional information.

NDCEL proposes language changes to p. 3, #5, lines 1-3.

Here is what I shared with Representative Lefor:

Majority Leader Lefor,.

I am not okay with taking out the language. It is not a good idea.

Article V Section 2 of the ND Constitution very clearly and explicitly identifies the Superintendent of Public Instruction as the constitutional officer overseeing public education in our state, acting only through the authority prescribed by law through the legislative assembly.

Article VIII states unequivocally that the legislative assembly "shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control."

I might even suggest that the first paragraph be reworded to affirm the legislative assembly's authority, but don't take it out. Taking it out and only adding those words is not accurate or factual. It will twist the clear intention of ND's State Constitution.

I don't have the right expertise to comment on the legal Latin language. Still, I would suggest that this be reviewed by the Attorney General or someone in Legislative Council who has a law degree and can tell if that is a factual interpretation.

For your reference to what I changed is pasted below.

~~“The department of public instruction~~ **legislative assembly** is the primary stakeholder in the state's public education system. ~~The board of a school district~~ **superintendent of public instruction** is a secondary stakeholder in the state's public education system, **acting only on authority prescribed by the legislative assembly.**

~~“The key stakeholder~~ **An important contributor** in the execution of the will of the legislative assembly is the public-school systems, including teachers, administrators, school boards, and all school staff in partnership with parents.”

Adding another section. **I would verify with AG office or legislative counsel.**

Fundamental liberty is “implicit in the concept of ordered liberty” that neither liberty nor justice would exist if they were sacrificed. In a public-school setting when parents are not physically present, fundamentals of in loco parentis are required. The term “in loco parentis” is a Latin phrase that translates as “in place of a parent” or “instead of a parent” and refers to how schools teachers and school administrators are expected to act with reference to students and other minors. In other words, the employees of a school are charged by the parents of students to act on their behalf while the students are there.



Kirsten Baesler
State Superintendent
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-4570
kbaesler@nd.gov
www.nd.gov/dpi