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SB 2244

**Testimony of Amy De Kok
House Education Committee
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Chairman Heinert and members of the House Education Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am here to express strong opposition to SB 2244, particularly the provisions outlined in Section 2, which place excessive burdens on public schools, overstep into educational governance, and create unnecessary legal and administrative challenges that could negatively impact students, educators, and school operations.

While our members fully support meaningful parental engagement in education, this bill does not provide meaningful improvements to existing parental rights or school transparency. Instead, it introduces redundant mandates that interfere with established best practices, create confusion, and impose undue restrictions on schools without benefiting students.

Public Schools Already Prioritize and Promote Parental Engagement

North Dakota's public schools actively encourage and facilitate parental involvement through well-established policies and practices. Schools already provide:

- **Full Curriculum Transparency** – Parents can review instructional materials through school board meetings, online portals, parent-teacher conferences, and textbook reviews.
- **Opportunities for Governance Participation** – Parents can serve on elected school boards, advisory committees, and PTAs to directly influence policies and curriculum decisions.
- **Direct Communication with Educators** – Schools maintain open lines of communication through conferences, emails, classroom updates, progress reports, and access to school administrators.
- **Engagement in Student Learning** – Schools offer family literacy nights, volunteer opportunities, college readiness workshops, and counseling services to support student success.

These initiatives demonstrate that schools already prioritize meaningful parental engagement. SB 2244 does not enhance these efforts—it merely imposes bureaucratic hurdles that will burden educators without providing real benefits.

Existing Laws Already Protect Parental Rights

North Dakota already has strong legal protections ensuring parental involvement in education, making SB 2244 unnecessary and duplicative. Just last session, the Legislature codified parental rights under **NDCC 14-09-32.1**, which explicitly recognizes the fundamental role of parents in the care, upbringing, and education of their children. This law already guarantees that:

- Parents retain the right to direct their child's education, including the choice of public, private, religious, or home schooling.
- Parents have access to their child's educational records.
- Schools and government entities cannot substantially burden a parent's fundamental rights without demonstrating a compelling interest.
- Parental involvement is an essential component of the education system.

It is important to note that SB 2244 is nearly identical to SB 2260, which was introduced and rejected by the Legislature in the last session. The fact that a substantially similar bill failed to pass underscores that these provisions are unnecessary, redundant, and lack broad support.

Furthermore, federal laws such as the Family Educational Rights and Privacy Act (FERPA) already ensure that parents have access to their child's educational records and control over their disclosure. Public schools are also subject to the Protection of Pupil Rights Amendment (PPRA), which safeguards parental rights regarding surveys, instructional materials, and consent for certain school activities.

Additionally, current public school operations, as well as North Dakota's open records and open meetings laws, already provide transparency, allowing parents to review school board policies, curricula, and decision-making processes. Parents are actively involved in school district governance through school board elections, advisory committees, and parent-teacher organizations.

Rather than meaningfully increasing parental involvement, SB 2244 introduces a host of new obligations that will overburden schools and make it more difficult for teachers and administrators to focus on student learning. Section 2 of the bill mandates extensive parental notification, opt-outs, and procedural hurdles that will take away valuable instructional time and administrative resources.

Excessive Notification and Consent Requirements

SB 2244 requires schools to notify parents at least three days in advance and obtain written parental consent before a child participates in instruction, presentations, or activities related to gender identity, gender expression, sexual orientation, or gender stereotypes. This requirement is overly broad and will:

- **Significantly disrupt lesson planning and instruction.** Teachers will have to preemptively identify and seek approval for any discussion that could potentially touch on these topics, no matter how incidental.

This could discourage educators from addressing important social, historical, or scientific topics out of fear of noncompliance.

- **Create inconsistency in student learning.** With different students being withdrawn from different lessons based on individual parental objections, classrooms will become fragmented, forcing teachers to repeatedly adjust instruction and provide alternative content on a case-by-case basis.
- **Overwhelm school administrators with compliance obligations.** Administrators will be forced to track notifications, obtain written permissions, and manage opt-outs, diverting time and resources away from essential school operations.

Redundant and Burdensome Curriculum Review Requirements

SB 2244 mandates that parents have access to all course curricula, training materials, assemblies, and guest lectures. However, schools already provide ample access to instructional materials through:

- School board meetings, where curriculum decisions are made publicly and transparently.
- Parent-teacher conferences, where parents can discuss class content directly with educators.
- Online portals and syllabi, which provide direct insight into classroom instruction.

This bill adds unnecessary bureaucratic steps that require teachers and administrators to maintain and distribute additional materials upon request, creating an administrative nightmare without providing any meaningful new transparency.

Increased Legal Risks and Financial Strain on Schools

Section 2, subsection 5 allows parents to take legal action against schools for alleged violations, even if the claims are unsubstantiated. The bill further mandates that school boards indemnify personnel for these lawsuits, meaning taxpayer dollars will be diverted away from educational programs to cover legal fees. This provision could:

- Encourage frivolous lawsuits by allowing parents to challenge curriculum decisions, instructional materials, or classroom discussions based on ideological or political disagreements.
- Create a chilling effect on education by discouraging teachers from addressing complex but important topics out of fear of legal repercussions.
- Place financial strain on schools, particularly rural districts with limited budgets, by requiring them to cover both legal defense costs and potential damages.

Conclusion

North Dakota already has strong laws protecting parental rights in education, ensuring transparency, and providing opportunities for parental involvement. SB 2244 does not improve these protections—it only adds onerous, redundant, and costly mandates that will ultimately harm students, burden educators, and disrupt school operations.

Rather than fostering cooperation between parents and schools, this bill creates an adversarial framework that prioritizes litigation over collaboration, bureaucracy over education, and censorship over comprehensive learning. Public schools exist to serve the needs of all students, and policies should support—not hinder—their ability to provide high-quality, inclusive, and academically rigorous education.

For these reasons, I respectfully urge the Committee to issue a DO NOT PASS recommendation on SB 2244 and instead support initiatives that genuinely enhance parental engagement without undermining the effectiveness of our public schools.

Thank you for your time and consideration. I welcome any questions.