



# Protection & Advocacy Project

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Senate Education Committee

House Bill 1223 - March 5, 2025

Testimony of Brenda Ruehl, P&A Director Program Services

Greetings Chairman Beard and members of the Education Committee. My name is Brenda Ruehl and I'm a Program Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A opposes this bill as school districts already have the authority under NDCC §15.1-19-09.4 to expel a student who violates the school district's weapons policy for up to twelve months. Additionally, NDCC §15.1-19-10.2 (b) requires a student who possesses a firearm in violation of this section to be expelled for at least one year. Schools already expel for the most serious violations of district policies: serious bodily harm, guns, knives (with a blade of five inches or more), and drugs.

School boards and districts need to continue having the flexibility to consider factors such as the severity of the infraction, the age of the student, and their disciplinary history in expulsions for the most serious incidents. A pathway for a balanced approach to address serious incidents that threaten school safety is already available in determining student discipline.

Students with disabilities who face a twelve-month expulsion will lose a year of in person special education, related services, social skills instruction and practice of those skills, and be completely isolated from their peer groups. COVID data shows students with disabilities have the largest learning gaps when virtual learning and/or packets of schoolwork are their only option for learning. Most families do not have a parent or other adult available to supervise, engage the student in virtual learning or provide for a consistent structured learning environment at home. This method of learning is not effective for students with disabilities and result in students not wanting to return to school, end up dropping out, and do not ever graduate. Without a high school diploma the student has little chance of becoming a productive tax paying adult and instead are more likely to become involved in the juvenile and adult justice system.

Of additional concern is the language within this bill. SB1223 allows for expulsion and removal of any

child for indolence. The noun indolence means a habit of laziness, especially when avoiding work. This is a very vague term which will actively encourage unnecessary legal proceedings. Students should not be expelled for indolence and certainly not for up to a year. If a student is indolent and a school district can somehow how prove it, the student's actions that caused the expulsion will be reinforced and rewarded.

P&A opposes the bill in its current form; however if it is the wish of the committee to pass SB 1223 we request the words, "habitual indolence" be stricken from line 21.

Thank you for your time and consideration.

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