



**NDSBA**

**NORTH DAKOTA SCHOOL  
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**HB 1323**

**Testimony of Amy De Kok  
Senate Political Subdivisions  
April 1, 2021**

Chairman Burckhard and members of the Senate Political Subdivisions Committee, my name is Amy De Kok. I am in-house legal counsel for the North Dakota School Boards Association. NDSBA represents all 175 North Dakota public school districts and their boards. I am here today in opposition to HB 1323

HB 1323, if passed, would prohibit local elected officials and political subdivisions from requiring an individual to use a face mask, face shield or face covering for purposes of entry, education, employment or services. This prohibition would extend to local school boards and public school districts and would mean they would be unable to require staff, students, parents, visitors or any patron who steps onto school property or attends a school event to wear any kind of face covering regardless of the circumstances. The bill contains no exceptions and is not limited to the current public health crisis.

Over the past year, public schools, like many others, have faced incredible challenges in continuing to operate during the pandemic. One of, if not the primary, reasons the vast majority of our schools were able to return to in-person instruction early this fall was their ability to require their staff and students to wear masks. This, along with other mitigation measures like social distancing, kept transmission rates low. Had schools not been able to require masks and face coverings, we almost certainly would have had higher transmission rates leading to additional outbreaks and school closures. Schools were also able to return our students to extracurricular activities largely due to their ability to require the participants and spectators to wear masks or other face coverings. By doing so, they were able to give their students some semblance of normalcy during this time.

HB 1323 is clearly a reaction to the public health requirements and recommendations issued during the COVID-19 pandemic; however, HB 1323 is written so broadly that it would impact a political subdivision's ability to put in place and maintain necessary health and safety protocols for its staff. For example, a district could not require its custodial staff to wear a face covering when handling hazardous materials or chemicals. In addition, due to its breadth, HB 1323 would likely prohibit our districts from requiring its facilities crew to wear personal protective equipment when operating machinery.

Simply put, HB 1323 would significantly reduce a school district's ability to provide a safe and healthy learning environment for its students and workplace for its staff, which all schools are obligated by law to do. NDSBA strongly encourages the committee to issue a DO NOT PASS recommendation on HB 1323. Thank you for your time. I would be happy to answer any questions the committee may have.