



**TESTIMONY on HB 1526**  
**from the**  
**NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER**  
**to the**  
**ND House Education Committee**  
**February 7, 2023**

Chairman Heinert and members of the House Education Committee:

The Advocacy Committee of the NASW-ND submits this testimony in opposition to House Bill 1526. We appreciate the opportunity to share our perspective.

**NASW-ND urges the members of the House Education Committee to vote DO NOT PASS on HB 1526.** This bill is an attempt to both modify and create state law on a variety of education issues in one large bill.

NASW-ND OPPOSES HB 1526 for the following reasons:

**1. HB 1526 enables discriminatory practices against transgender students that violate both federal law under Title IX and ethical principles of the Social Work Profession.**

Section 2 of HB 1526 includes language under points 1, 5, 7, and 9 which result in the erasure of transgender students' rights by allowing for the separation of students based on sex in certain educational and extracurricular situations. This would deny transgender and gender non-conforming students the ability to fully participate with their identified gender in these situations and is discriminatory. The U.S. Department of Education protects students from discrimination based on sex and gender identity under Title IX<sup>1,2</sup>. Discrimination against these communities is in direct opposition to NASW Code of Ethics' principles relating to inherent worth and dignity of individuals and social justice<sup>3</sup>. Further, it is the NASW's position<sup>4</sup> to oppose discrimination based on gender identity in society, including the education system.

**2. HB 1526 promotes a governmental overreach in prescribing educational material by effectively banning certain content from being taught in public schools.**

This bill seeks to introduce language in Section 2, points 10 and 11, that effectively prohibits students from learning about certain concepts such as privilege, oppression, and equality as related to racism, sexism, and other forms of discrimination. NASW is committed to ending all forms of societal discrimination, and this bill would prevent this effort by severely restricting North Dakota's students' learning opportunities via state law. Additionally, NASW-ND supports educational professionals' rights to use their expertise in determining the best evidence-based materials for teaching students.

**3. HB 1526 will damage North Dakotan students' well-being by restricting the ability of teachers to address students' emotional needs and mental health.**

Section 7 of this bill appears to ban teachers from teaching concepts related to social-emotional learning. This provision is in direct opposition to existing ND Century Code 15. 1-07-34 which requires educators to continue professional development in youth behavioral health to effectively respond to students' mental health. According to the National Alliance on Mental Illness, 1 in 6 U.S. youth experience mental health disorders and 6,000 North Dakotans between ages 12-17 have depression<sup>6</sup>. The current bill will negatively impact students' well-being and

safety by denying them access to teachers as a potential mental health resource. NASW supports programs that address behavioral health needs,<sup>2</sup> such as the existing Century Code cited above.

Thank you for the opportunity to share our objections to the House Education Committee. **The NASW-ND respectfully urges the House Education Committee to vote DO NOT PASS on HB 1526.**

**Written by:**

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**Testimony Submitted by:**

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Executive Director

NASW-ND

**Notes**

1. ACLU “Know your LGBTQ Rights” <https://www.aclu.org/know-your-rights/lgbtq-rights#are-lgbtq-students-protected-from-discrimination-in-schools>
2. U.S. Department Of Education. Title IX [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)
3. NASW Code of Ethics
4. Social Works Speaks, 12th edition
5. ND Century Code 15.1-07-34. <https://www.ndlegis.gov/cencode/t15-1c07.pdf>
6. National Alliance on Mental Illness. North Dakota Fact Sheet. <https://www.nami.org/NAMI/media/NAMI-Media/StateFactSheets/NorthDakotaStateFactSheet.pdf>

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) is a membership association representing social workers in the state of North Dakota. The mission of NASW-ND is to strengthen and protect the practice of social work in North Dakota and to advance sound and equitable social policy. Our position on this bill is solidly grounded in our organization’s mission.