

Dear Chair Heinert and members of the House Education Committee,

My testimony is in opposition to House Bill 1526. I ask that you give this bill a Do Not Pass.

Concerning HB1526 Sections Impacting Chapter 14 of the Century Code

In Page 2, Line 23, the bill attempts to define Sex within Chapter 14-02.4 of the North Dakota Century Code as:

“This bill attempts to define sex as "Sex" means the biological state of being female or male, based on the individual's non ambiguous sex organs, chromosomes, and endogenous hormone profiles at birth and acknowledged accordingly on the individual's original birth certificate.”

As this relates to Human Rights and the operation of the North Dakota Department of Labor and Human Rights (NDDOLHR) specifically, the definition of sex is governed to my understanding by the ruling of the United States Supreme Court within the case of Bostock V. Clayton County, Georgia. To quote language on the NDDOLHR website specifically

“The Court recognized the term “sex” has traditionally referred to the biological distinctions between males and females. The Court, through the Bostock Opinion, has now confirmed, the basis of sex also provides protections for homosexual and transgender employees. The Court stated, in part: “An employer who fires an individual for being homosexual or transgender fires that person for traits or acquisitions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.” ”

This effectively means from a discrimination and human rights standpoint, we cannot define sex in a way that is strictly cisgender or would serve to deny or change the meaning of sex to be inconsistent with sexual orientation or gender identity, as they are protected categories as determined by the Supreme Court. This would be the same as changing the definition of age or race.

All sections related to 14-02.4 should be strictly removed from this bill.

Concerning HB1526 Sections Impacting Chapter 15 of the Century Code

I recommend changing the entirety of the sections in HB1526 relating to Chapter 15 be solely reduced to one section dedicated to Page 9, Line 9.

Aside from that, I would invite the committee to briefly review [Chapter 15.1-21 of our Century Code](#), where most of the proposed changes would be inserted. There is a stark difference between the language, intention, and goals that see between the current administrative rules governing our education in Chapter 15 and the dreams proposed by HB 1526.

While there are many tenets to HB 1526 I would certainly agree with, such as Page 9, Line 9, there are many bizarre choices sprinkled throughout these 14 pages. Section 7, on Page 13, for example, seeks to prohibit Social Emotional Learning. This concept is very well researched and supported and I had to google, “Social Emotional Learning Woke” to even learn why I’m seeing this purpose in legislation.

Regardless of SEL as a concept or something understood to be ideological in some capacity, the actual language this bill includes to prohibit it is non-compatible with being a teacher. I do not expect teachers to

solve clinical depression or anxiety, but the language of this section prohibits being human in any capacity.

I am also confused that Section Five of this bill has included so much information on the necessary inclusion of Black History, Slavery, World War II, and the Holocaust as a means to teach empathy and the dangers of oppression, but includes no mention or language about Native American History, especially given North Dakota's many Tribes. I do not understand why our Native American History and people are not included in this section. If we are to give such explicit language to practically everything you could possibly imagine, where are our indigenous communities?

As a final thought, there is also a brief line (Page 9, Line 29) around abstinence only education as the expected standard. The research is clear on that being ineffective. That it increases teen pregnancy and by extension abortions for individuals who can leave the state. According to the [ND YRBS](#), only 49.9% of highschool students are using condoms and 36.6% have had sexual intercourse. Since 2015, we see less students having sexual intercourse, but even less using protection. Outside of pregnancy the threat of spreading Sexually Transmitted Infections (STI) is also very real. According to a seminar I attended, hosted by the ND Department of Health and Human Services (ND HSS), young gay men are the largest demographic of new emerging HIV cases. Competent sexual education is the best health response both for unwanted pregnancy and prevention of STIs.

I bring this up as Section 4 and Section 6 have a lot of language around HIV, STI, and Reproduction that seem to go against compelling state interest in public health. At least according to the goals of our ND HHS.

However, if we can go back to Section 6, specifically Page 12, Line 1, we see all instructional material must be approved by a parent? Every single parent?

I am by no means an expert on high level administrative policy for school. I imagine those who are would be very kind and polite to the sponsors of this bill on why it is certainly a good first try. I read this bill because I'm a suicide prevention advocate and I work closely with our ND HSS STI division for STI prevention. I originally was going to submit a neutral testimony, but the more time I spent with this legislation, the more it completely fell apart to scrutiny. For the myriad of problems I've described, please Do NOT Pass this Bill.

Thank you for your time, consideration, and service to our state,

Best regards,
Faye Seidler