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HB 1526
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 General Counsel for the North Dakota School Boards Association. NDSBA represents all North Dakota public school districts and their boards. NDSBA stands in opposition to HB 1526.

NDSBA has several concerns regarding the bill. First, Section 5 seeks to add a section to chapter 15.1-21 of the Century Code with a long list of detailed instructional requirements. NDSBA believes this would be a significant and unnecessary overreach on local control of education. As many of you know, the state, through the Department of Public Instruction, selects state standards relating to the provision of K-12 education in North Dakota. This is done with the input and assistance with teachers throughout the state. The local school district then adopts curriculum which meets the requirements of the state standards, also with the input of teachers and its community. The teachers then select instructional materials that correspond and comply with the curriculum adopted by the local school board.

Parents, communities, and their locally elected school boards know what is best for their students. Real strength and survival of our public schools depends on maintaining the ability of local parents, citizens and board members to help shape our children's educational experience. Local control allows voters the opportunity to elect their local school board representative. A school board is an advocate for their community when decisions are made about children's education and provides citizen governance for what the public schools need in accordance with the community's beliefs and values. Who better than these leaders to shoulder the responsibility for preparing our children to live productive and satisfying lives?

NDSBA also has concerns regarding Section 6 of the bill. This section would require school districts to obtain parental approval for all instructional materials. While "instructional materials" is not defined in the bill, this generally refers to all print and non-print materials, including textbooks, as well as supplementary, library and other educational materials, used for the education of students in the teaching-learning process. Local school districts already have policies in place detailing the process for curriculum development and design which is adopted by the board with teacher, parental and community input. Once the curriculum is adopted, the teachers then choose appropriate instructional materials to teach the required curriculum. If teachers are required to obtain parental

approval of each and every instructional material, this would significantly effect the ability of school districts to deliver educational services in an efficient manner. What happens if one parent objects to the materials? Does that mean the materials cannot be used? Does that mean education must stop until new materials are identified and then approved as well? This would force teachers to have each and every resource and instructional material identified well in advance of the school year so as to not cause a delay in the delivery of education during the school year. This is a burdensome and unnecessary ask of our teachers and local administrators.

Section 6 also requires a process for instructional materials to be reviewed by the public upon request. This is unnecessary as this process has already been in place in most districts throughout the state for some time now. In addition, following the 2021 special session, the Department of Public Instruction adopted administrative rules to enforce the requirements of NDCC 15.1-21-05.1. The administrative rules require local school boards to adopt a policy that provides a process for public review of curriculum, instructional materials, and resources upon request. These rules became effective January 1 of this year. Therefore, Section 6 of the bill is unnecessary and would likely conflict with existing law and administrative rules.

Finally, Section 7 prohibits the teaching of social emotional learning. We place our children in the care of local public schools for a significant portion of their early years in life. Schools do not just teach the core subjects but must also help students become good and productive members of society. This must involve helping them learn skills to understand and communicate with others, build strong relationships, and make good, empathetic decisions. That is what social and emotional learning (SEL) is all about. Again, NDSBA believes in local control of determination, development and design of curriculum and of letting local boards, teachers, parents, and communities decide what is best for their students.

For these reasons, NDSBA stands in opposition to HB 1526 and strongly encourages this committee to give it a do not pass recommendation. Thank you for your time, and I will stand for any questions.