



1 Testimony in support with request for amendment

2 HB 1403

3 Chairman Weiss and members of the House Human Services Committee. For the record
4 my name is Dr. Aimee Copas and I serve as the executive director for the North Dakota
5 Council of Educational Leaders. NDCEL represents all your school leaders throughout
6 the state including Superintendents, Principals, and all other administrators and
7 directors.

8 We come to you today with enthusiasm that parents are so very excited about engaging
9 in the lives of their children and in their children’s education. We do ask for a minor
10 amendment to this bill so that it is very clear the role of education in the lives of the
11 children and in partnership with the parent and how that may be interpreted. For years
12 we as educators have witnessed the real retreat of parental involvement in our schools
13 and lack of desire for parents to provide ground rules, basic parenting in manners,
14 conduct, and in support of our educators who are not only trying to teach them basic
15 academics but who are acting *in loco parentis* as is their responsibility according to the
16 setting they work in. “In loco parentis” refers to the rights and responsibilities that
17 certain organizations or individuals have about minors under their care. The term is
18 typically used in reference to schools with respect to how the teachers and staff should
19 behave toward the students. It can be used in a way that is meant to ensure schools have
20 the rights to do what is necessary in the students' best interests, such as locker searches.
21 “In loco parentis” can also refer to the responsibilities a teacher has for his or her
22 students as the acting guardian for students in a classroom. As defined by the courts,
23 this phrase has two fundamental applications about how schools and school employees

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1 are expected to behave with students. One major use of the term is in reference to the
2 rights schools have about students and behavior issues. Since a school is seen to be acting
3 in the place of the parents of every student at the school, the school is expected to act in
4 the highest regard to all students. This is the basis for actions such as locker searches,
5 student conduct policies, and dress codes. Truly – local educators and school employees
6 (teachers, administrators, paras, bus drivers, cooks, aids, coaches, etc.) are all key
7 partners in assisting to create the contributing citizens to our state and world that we
8 are hoping to create.

9 We love the concept of this invigoration in parent engagement because we as educators
10 really miss the days of when a teacher would call home with an issue that was being seen
11 at school and the parent was a partner in a resolution instead of immediately assuming
12 their child could have “NEVER” done anything like that and point blame back at the
13 school. Remember when we got in trouble at school, and it usually meant we were in
14 more trouble when we got home. As educators, we are telling you-that partnership is
15 one that we miss terribly. The kids know they have the upper hand in this one. They’re
16 smart – and we (educators and parents) need to re-lock our arms. Parents stepping back
17 into the arena with us is wonderful.

18 Please know our educators approach their life’s work and life’s mission – to provide for
19 a great education for kids – with a heart to do what is right for all students who enter
20 the doors of their schools. Schools have witnessed a development of hostility to
21 education in the national rhetoric and it has seeped into the fiber of North Dakota. Most
22 parents would say...”my kid’s teacher is fantastic, but we are fearful that our system of
23 public education indoctrinates children in a left-wing ideological agenda; that public

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1 schools alienate children from their families and cultures, thereby undermining parental
2 authority; and that, basically, the goal of public education is to enlist children on the
3 wrong side of our current culture wars.” Except...have you recently noticed the
4 conservative nature of our state? Your teachers and administrators and school staff are
5 a part of the North Dakota culture too. We are your next-door neighbors, were your
6 friends in high school, go to your church, have children in those schools as well, and by-
7 in-large have the same conservative mindset of the parents they work with. We implore
8 you to not allow this to become a playground for hostility. Allow this law to guide
9 partnership.

10 This brings me to our request for a clarifying amendment. This amendment does not
11 change the spirit of the bill, but rather helps everyone understand their role and perhaps
12 aligns it even more appropriately.

13 Please see the attached amendment. We would ask that in the definition section we
14 add a definition of “in loco parentis” as it pertains to this section of code. The term “in
15 loco parentis” is a Latin phrase that translates as “in place of a parent” or “instead of a
16 parent” and refers to how schools’ teachers and school administrators are expected to
17 act with reference to students and other minors. In other words, the employees of a
18 school are charged by the parents of the students to act on their behalf while the
19 students are there.

20 We furthermore as for the addition of freedom of liability when K12 schools or their
21 employees are acting in good faith regarding “in loco parentis.” Thank you for your
22 consideration of these amendments.