



Great Public Schools

Great Public Service

Testimony Before the House Human Services Committee
HB 1403
January 30, 2023

Chairman Weisz and members of the House Human Services Committee, I am Nick Archuleta, president of North Dakota United. I rise today to urge a ***do not pass*** recommendation for HB 1403.

HB 1403, Mr. Chairman, seeks to establish an already established fact. That is, that parents enjoy the right to direct all aspects of their child's upbringing, including his or her education. The 14th Amendment's due process clause, as has been interpreted by the US Supreme Court and the ND Supreme Court, ensures that right for parents.

Subsection 2 of Section 1 indicates that a parent can bring legal action against a government entity, like a school board, or a social services agency, if a parent feels that the entity violated a parent's "fundamental right." If that parent can convince a court that their right has, in fact, been violated, the court can award the parent "reasonable attorney fees and costs."

Mr. Chairman and members of the Committee, teachers do their absolute best to teach to the standards that have been developed by North Dakota teachers for North Dakota's students and which are approved by locally elected school boards. It is a very labor-intensive endeavor. Teachers have no idea what may trigger a parent into believing that the parent's rights, as described in this bill, have been violated. Even if the parent's claim is not compelling, is dismissed by the court, and the school district get reimbursed for the services of their attorneys, the relationship between that teacher and student may be irretrievably damaged. And, Chairman Weisz, anyone who knows anything about education knows that learning is predicated on relationships, and the learning relationship established between teachers and students is absolutely vital to student success.

Again, Chairman Weisz and Committee members, this bill is unnecessary and potentially harmful to quality teaching and learning. For that reason, ND United urges a ***do not pass*** recommendation for HB 1403.