



**North Dakota Senate Judiciary Committee
Senate Bill 2260**

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Alliance Defending Freedom is the nation's leading nonprofit legal organization that advocates for religious liberty, free speech, life, and marriage and the family. We regularly analyze proposed laws and their effect on constitutional freedoms. ADF also currently represents families in several states who have personally suffered under government policies that deprive parents of their right to raise and educate their children consistent with their beliefs and values.

Everyone should care about how children are raised. They become our nation's leaders, after all. Everyone should also be able to agree that, in nearly every case, parents are best positioned to protect their children's health and welfare.

Parents take care of us before we can take care of ourselves. They bring us into the world. They teach us to walk, to talk, to love. They prepare us to enter society and live as upstanding citizens. Of all the people who share in shaping a child's moral character and the adults they become—from teachers and coaches to spiritual mentors, extended family, and others—parents have far and away the deepest and most enduring influence.

Therefore, our laws must protect the right and ability of parents to direct the care and upbringing of their children. We must support parents by giving them the tools and support they need as they nurture and prepare children for adulthood.

Sadly, we are seeing growing instances nationwide of government officials actively seeking to replace parents as the ultimate determiners of what's best for children. Some schools are indoctrinating students into divisive ideology that subject them to unequal treatment because of their race, ethnicity, religion, and other characteristics. Government policies are promoting a destructive gender ideology and even keeping students' mental health struggles secret from parents. And medical institutions are performing harmful, experimental procedures on children who experience a sense of disconnection between their sex and their internal sense of gender.

- A Madison Metropolitan School District policy instructed district employees to assist children of any age to adopt a transgender identity at school upon the child's request, without notice to or consent from parents. The policy required teachers and staff to conceal this action from the parents and even instructed employees to deceive the parents by calling the child by his or her preferred name at school but using the child's birth name around his or her parents to keep them in the dark.
- A 12-year-old student in the Kettle Moraine School District in Wisconsin was experiencing increased anxiety and depression, and a school counseling program pushed her to say she wanted to be a boy. Her parents wanted to give her time to work out her anxiety and depression, but school officials said that no matter the parents' wishes, they would refer to the couple's daughter by whatever name and pronoun she chose. The school blatantly ignored the parents' decisions regarding their child's mental health.
- A school district policy in Albemarle County, Virginia sowed racially divisive ideology into the classroom. The policy mandated classroom activities that demeaned and attacked students based on their race, ethnicity, and religion. It also forced them to support ideas that go against their beliefs. Parents are unable to opt their children out of lessons that include hostile racial stereotyping, and as a result, these children are being taught to judge everyone and everything through the lens of race.
- Parents with children enrolled in Harrisonburg, Virginia Public Schools were being excluded from conversations about their children's mental health, and teachers were forced to deceive parents about their children's struggles. Under district policy, teachers were required to affirm the school board's view on gender identity by using any name and pronoun a student requests. This policy also forbids staff from sharing this information with parents.
- And in Jacksonville, Florida, a family was devastated when they received a call that their elementary-aged daughter had attempted to hang herself in the bathroom at school. As the family pressed for answers from school officials, they discovered that their daughter had been struggling with gender confusion. The school had been pushing this confusion, referring to the young girl by male pronouns and hiding the young girl's struggles from the parents because of hostility against the family's faith.

SB 2260 will help ensure that what happened to these families does not happen to families in North Dakota. Parents' choices about how best to raise their children should not be ignored or overruled by school officials. Instead, it is in kids' best interests for parents to be involved any time a child faces serious issues at school, whether academic, social, or mental or emotional health. Parents love and

care for their children far more than any government bureaucrat will ever do. And parents must be immediately informed when such issues arise so that they can help their child navigate and overcome any challenges.

SB 2260 will protect North Dakota families by doing three things:

First, the bill recognizes that parental rights are fundamental rights—co-equal to other fundamental rights like free speech or the free exercise of religion. As a result, the government may only interfere with parents’ decisions when it has a compelling reason to do so, such as protecting a child from physical abuse.

Second, the bill expounds on the scope of parental rights, including decisions concerning a child’s education, moral and religious upbringing, and health care. It ensures that parents are empowered to make decisions regarding their child’s physical and mental health. It requires schools to be transparent about what they are teaching children and to respect parents’ wishes when it comes to divisive and potentially harmful issues including gender ideology that conflicts with the families’ beliefs and values.

Finally, the bill provides a legal remedy for families whose rights are violated. Otherwise, families may be left with no recourse when the government tramples their rights.

Fourteen other states have enacted laws like SB 2260 that help to protect parental rights against inappropriate government intrusion. By passing SB 2260, North Dakota would join these states in restoring parental rights to a “top-tier” right and would take a strong, principled stand with parents throughout the state.

Parents love and know their children best. While the state has an interest in promoting the education of children and protecting their health and safety, it must pursue those goals in a manner that respects the rights of parents. SB 2260 ensures that state and local officials respect the unique role and authority of parents to raise and train their children.