



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

1224 West Owens Avenue
Bismarck ND 58501
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1288
Testimony of Amy De Kok
House Education
January 22, 2025

Chairman Heinert and members of the House Education Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am providing this testimony in opposition to HB 1288. HB 1288 introduces a mechanism for any “interested person” to request a review of public school compliance with education-related statutes. While accountability is essential, this bill is deeply flawed and should not proceed in its current form.

HB 1288 would lead to a significant expansion of the role and duties of the State Board of Public School Education. The State Board historically plays a limited role in the regulation of education. Its statutory responsibilities focus primarily on assisting county committees, providing resources and oversight for regional education associations, reviewing annexation petitions and the dissolution of school districts, and establishing frameworks like the North Dakota learning continuum. HB 1288 drastically expands the State Board's role by tasking it with managing a process to review compliance with education statutes for any school district in the state. This new responsibility represents a significant departure from the Board's existing mandate, without any proper evaluation of its makeup, capacity, or resources. The bill does not provide additional funding, staffing, or infrastructure to handle the potentially overwhelming number of compliance requests. Nor does it consider the fact that the Board's current structure and expertise are not designed to address these investigative and regulatory functions. This hasty expansion risks overwhelming an already limited system, potentially undermining the Board's ability to fulfill its existing duties.

In addition, HB 1288 would likely overburden schools and state resources. Allowing any interested person to submit a compliance review invites a flood of complaints, many of which may lack merit. Moreover, HB 1288 creates a mechanism for individuals dissatisfied with resolutions reached at the local school district level to escalate their complaints to the state, effectively giving them multiple opportunities to pursue the same issue. This undermines the authority and finality of local decisions, fostering

unnecessary conflict and diverting resources from educational priorities. This will burden school districts, the State Board, and the Attorney General's Office, diverting attention and resources from their core functions. Local school boards are uniquely positioned to oversee compliance and address the specific needs of their communities. HB 1288 undermines this local governance by creating a state-level process that centralizes authority unnecessarily.

Moreover, the absence of specific criteria or thresholds for initiating reviews leaves the process open to abuse. This ambiguity may result in frivolous or politically motivated complaints, wasting time and eroding trust between schools and their communities. By empowering any interested person to request a review, the bill opens the door to misuse by individuals or groups with specific agendas. This creates the potential for harassment of school districts based on perceived rather than actual noncompliance.

Finally, HB 1288 fails to define what is meant by "education-related state statute," leaving the term overly broad and open to interpretation. There are numerous provisions within the North Dakota Century Code (NDCC) that relate in some form or fashion to education, ranging from curriculum standards to facilities management and funding mechanisms. Without a clear definition, the bill risks creating confusion over what constitutes a valid complaint, leading to inconsistent enforcement and potential misuse. The bill also overlooks the fact that existing mechanisms and processes already address potential violations of the law at both the state and local levels. School districts are accountable to local school boards, the Department of Public Instruction, and other regulatory bodies, all of which are equipped to handle complaints and ensure compliance with statutory requirements. By ignoring these established systems, HB 1288 introduces unnecessary duplication, inefficiency, and conflict, further straining resources that would be better spent on improving education outcomes.

HB 1288 is an unnecessary and inefficient approach to ensuring compliance with education-related statutes. It disregards the limitations of the State Board of Public Education's current role, overburdens state and local resources, and undermines local control. I strongly urge the committee to reject this bill in its current form.

Thank you for your time and consideration. I welcome any questions you may have.