

**INFORMATION ON SB 2104**  
**HOUSE EDUCATION COMMITTEE**  
**Wednesday, March 12, 2025**  
**By: Kirsten Baesler, State Superintendent**  
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Chairman Heinert and members of the House Education Committee,

For the record, my name is Kirsten Baesler, and I serve as the Superintendent of the North Dakota Department of Public Instruction. Thank you for the opportunity to provide information today regarding Senate Bill 2104.

I want to begin by acknowledging that no one here disagrees with the intent of this bill. The state **should** have the ability to enforce education laws effectively, ensuring all students and families have a formal avenue to file complaints when concerns arise. At the North Dakota Department of Public Instruction (NDDPI), we, too, have often been frustrated by the lack of enforcement authority when we identify noncompliance with state and federal education laws. SB 2104 attempts to address this gap, and I commend that effort.

However, in order to implement the provisions of this bill in a thorough, fair, and timely manner, the Department must be provided with adequate resources. Without additional staffing and funding, we cannot fulfill the expectations set by this bill.

## Workload Considerations

NDDPI currently provides a process to address all complaints we receive through our website's homepage [online complaint and grievance form](#), working with families and school districts to facilitate resolutions.

However, under North Dakota's longstanding tradition of local control, the primary responsibility for resolving patron complaints and grievances falls to local school boards and the chief executives they hire—local superintendents.

In most cases, these disputes are successfully handled at the district level, where board members and administrators are best positioned to address their communities' unique circumstances.

Only a small subset of complaints—those related to students covered under the Individuals with Disabilities Education Act (IDEA), which represents 15% of our student population (~18,000 students)—go through a formal, structured investigation process as required by federal law.

Last year, we received 13 of these formal complaints, which required 710.5 hours of investigative work. Formal complaints and investigations involve detailed documentation, interviews, legal analysis, and mandated corrective action.

Expanding the formal structured investigation process to **all** 120,000 North Dakota public school students, which would increase the number of potential complainants eightfold.

Using historical trends from special education complaints, we estimate that NDDPI will receive approximately 87 formal complaints annually under this expanded system.

With each complaint requiring an average of 54.65 hours of work (based on our past investigations), this new volume will require a total of 4,737 hours annually—the equivalent of more than 2.3 full-time employees dedicated solely to complaint investigations.

### **Previous Considerations for Local and State Enforcement**

Recognizing that perhaps relying on local school districts to self-police and self-determine final decisions about their own compliance with the law may not be best practice but also wanting to keep investigations as local as possible, the Senate engaged in extensive discussions on this bill.

As part of these discussions, there was a concerted effort to maintain the investigation, resolution, and consequence process at the local level. One consideration was to assign county state’s attorneys the responsibility of investigating alleged violations of education law, just as they do for violations of other laws.

However, after discussions with state’s attorneys, Senators determined that they could not absorb this additional workload.

Additionally, this very committee—the House Education Committee—has previously debated a similar proposal that would have required the Attorney

General's office to investigate violations of state education law. Again, after careful deliberation, it was determined that this would place too great a burden on the Attorney General's investigators, and the bill was ultimately defeated in the House.

### **Appropriation Request & Final Considerations**

I want to be clear: I do not like to grow government. That is not my goal, nor is it my preference. In fact, I am proud that I have done exactly the opposite during my time leading NDDPI.

To be honest, I am not entirely convinced that the Department—whose primary employee background is in teaching and learning, not investigations—is the best entity to take on this responsibility.

However, if the Legislature determines that NDDPI should assume this role, we will execute it to the best of our ability. But to do so effectively, we must have the necessary human resources.

If this bill moves forward, I respectfully request an appropriation to hire **at least two additional full-time employees** to handle this expanded workload. Without these resources, we will be unable to meet the expectations placed upon us.

### **Conclusion**

Chairman Heinert and members of the committee, I appreciate the opportunity to provide this information today. The enforcement authority granted under SB 2104 is a significant change, but enforcement without capacity is ineffective. If we are going

to do this, we must do it **right**—and that means ensuring NDDPI has the **staffing and funding** to uphold the intent of this legislation.

Thank you for your time, and I stand for any questions you may have.