

House Bill 1144

My name is Ned Clooten. I am the Superintendent of Schools for Devils Lake Public School District. I'm writing this letter in opposition to HB 1144. In May of 2023, when HB 1522 was signed into law by Governor Burgum, I was just finishing up my 16th year as a HS Principal and there was no one in the state more thankful for that law than me. I felt like we needed guidance from our state on some very difficult issues surrounding transgender students. Prior to HB 1522, school administrators had very little guidance and were often stuck on an island when it came to these issues. I became a Superintendent in July of the same year and one of the first things I talked about with my admin team was how we would enforce HB 1522 in our district. We talked through it in great detail and ran through many scenarios. I was and am still convinced that this law can be enforced with fidelity while at the same time making sure we lead with love in all scenarios.

Fast forward several months and the Devils Lake community was preparing to ask its residents to pass a bond referendum. It was the district's third attempt in 6 years, so I was working hard to learn from past mistakes. One of the things I heard was not enough details. We went into many details with the addition onto Prairie View Elementary as well as the remodel of Central Middle School. There were many board meetings in which we discussed the details we wanted to present. It was February of 2024 when I presented to the school board that I wanted to install single user restrooms at Prairie View. The primary reason I wanted to use single user restrooms was to cut down on the amount of bullying and vaping that takes place in our traditional style boys and girls school restrooms. Single User restrooms, I told my board, were not perfect solutions either, they have their drawbacks, but when it comes to bullying, vaping, and fighting, the data is quite unbelievable. I knew this because of the experiences that I had as a HS Principal trying to control what happens in the traditional style bathrooms as well as talking to and hearing from the schools in ND and elsewhere that had installed these single user restrooms. Again, the primary reason was to cut down on bullying and vaping. Major problems in our schools today.

I also told them that I was planning to not label the bathroom boys and girls. I had some board members question this direction so I explained where my rationale came from. When I was a HS principal, I had students who identified as transgender. For some of those students, one of their major goals in life was to use the bathroom opposite their birth gender. They would just flat out tell me, "Mr. Clooten, I know you won't allow me to, but there is only one of you and there are a lot of bathrooms and kids in this school, so there will be a time when I will do this." As great as HB 1522 was for guidance, it did not apply any sort of consequence for a student who broke this law. So, if a student broke the law the principal has to decide on a consequence and knowing that that consequence could easily get you placed on the Whistleblowers Hotline that night or worse yet, have an OCR complaint filed against you or your school. When I suggested to my board to build single user restrooms and not label them, people have accused me of trying to sidestep the law. That was the furthest thing from my mind. I was trying to eliminate one of the goals for a transgender student. If they don't have a bathroom labeled as the opposite gender, they won't be able to enter the wrong gender bathroom. There was no evil intent in my planning at all.

The last piece I will try to address is the communal wash areas. The pushback that we have received from a small amount of Devils Lake residents has been something that I certainly did not see coming. Communal wash areas are not new. They have been around for many years and in many instances without complaint. The way the amendment in HB 1144 reads right now, we would have to not only adjust the plans we have in place for our new addition on to Prairie View Elementary, but we would also have to go into the existing classroom in Prairie View, Sweetwater, and Minnie H Elementary schools and change them as well. All of those communal sinks have been in place serving children since 1954, again without complaints. We have high schools in the state of ND already using communal sinks successfully. With a conservative fiscal note of \$147 million dollars to 'fix' communal sinks throughout ND schools, I ask you to kill this bill.