



North Dakota Small Organized Schools

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1 **Testimony in Opposition to SB2104 – Michael Heilman, North Dakota Small Organized Schools**

2 **Chairman Beard and Members of the Senate Education Committee:**

3 I want to begin by emphasizing that neither I nor the organization I represent oppose compliance with
4 state law. While we may not always agree with every law, rule, or regulation, we understand our
5 obligation to comply and strive to honor the intent of all statutes governing education.

6 Our opposition to SB2104 centers on the proposed processes and procedures outlined in the bill, as well
7 as the penalties for non-compliance.

8 Currently, when schools submit reports to the Department of Public Instruction (DPI), any compliance
9 issues are typically addressed through a collaborative process. DPI notifies the school in writing and
10 works to resolve the issue. Similarly, when parents have concerns—whether about instruction,
11 curriculum, disciplinary measures, bullying, or other matters—these concerns are usually resolved at the
12 lowest level possible. That process may involve a teacher, coach, building administrator, principal,
13 superintendent, or school board. Most complaints or concerns are addressed well before they escalate
14 to the district level or reach the school board.

15 Even small schools manage numerous complaints weekly. SB2104 could drastically increase the volume
16 of complaints filed directly with DPI, creating a significant burden. Without a fiscal note to provide
17 additional staffing, it is unclear how DPI would manage this influx. A more effective approach is to
18 maintain the existing processes that allow complainants to follow district-established procedures to
19 resolve concerns at the local level by the officials hired and elected to address them.

20 The proposed penalty of a 2% reduction in state aid payments could have devastating consequences for
21 districts. For example, a district like Bismarck could face a funding reduction of nearly \$3 million, which
22 is equivalent to dozens of teaching positions. Since school budgets are typically 75-80% allocated to
23 salaries, such a penalty would almost certainly lead to staff reductions. While we hope most complaints
24 would be resolved before such penalties are imposed, the potential for financial harm to schools is
25 alarming.

26 Moreover, schools may face circumstances beyond their control that make compliance challenging. For
27 instance, a school losing a counselor mid-year might struggle to find a qualified replacement. Penalizing
28 schools for situations they cannot resolve would be both unreasonable and harmful.

29 As a former school administrator, I have handled numerous complaints and compliance issues each
30 year. These issues, whether initiated by stakeholders or brought to my attention by DPI, were resolved
31 without the need for penalties or state government intervention. Schools already have processes in

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The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

32 place to address complaints effectively. Allowing due process to occur at the local level is a better path
33 forward than imposing state-level penalties.

34 In summary, while we remain committed to compliance with state laws, we believe SB2104 introduces
35 processes and penalties that could create undue burdens on schools and DPI alike. We urge you to
36 continue to support local resolution mechanisms rather than adopting this bill's provisions.

37 I will stand for questions.

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