

1 SB 2104 – Powers of the Superintendent – by Dr. Jeff Fastnacht, Superintendent,
2 Bismarck Public School District.

3 I am here today, providing testimony in opposition to SB 2104. This is despite
4 support of the additional duties of the Superintendent outlined in Section 1 of the
5 bill. I agree entirely, similar to my roles and responsibilities as the Superintendent
6 of Bismarck Public Schools, that the Superintendent should provide guidance,
7 ensure compliance, and oversee the implementation of state law and federal
8 regulations.

9 This legislation allows for a complaint to be filed by any state resident, parent or not,
10 via a form as outlined in Section 2, part 5. Then, initiate a review of the school and
11 conduct an investigation without any previous communication or action with the
12 school, see Section 2, part 2. Subsequently in that same section the Superintendent
13 may issue guidance and propose remedial actions again without any procedural
14 requirements to engage the local school.

15 Most concerning is without any due process outlined in law for the parent, student,
16 staff, or school, the Superintendent may then impose a 2% penalty as outlined in
17 Section 2, part 3. That penalty for Bismarck Public School could be \$2,580,000!
18 Now that may seem like a wonderful way to get the Superintendent, me, to take
19 action. But I can assure you a phone call or in person conversation would be equally
20 impactful. A \$2 million dollar penalty, equates to approximately 23 teaching
21 positions in my district. Am I the only one that feels this is a bit excessive?

22 In the final lines of this legislation it then allows the Superintendent of Public
23 Instruction to enforce the rules on BPS personnel. Does this allow the

1 Superintendent to discipline personnel, put a letter in their professional file, or even
2 discharge that employee?

3 I agree wholeheartedly that districts must follow the law. I have personally discussed
4 the Superintendent's frustration with some (a very few) districts that have challenges
5 complying with reporting requirements and other items. There is room for the
6 Superintendent or State Board to meet with local board members to address these
7 needs. There are due process and complaint policies that appear to be cast aside that
8 could be used to address concerns. This bill goes too far!