



# NORTH DAKOTA

## *Family Alliance* LEGISLATIVE ACTION

### Testimony in Support of Senate Bill 2104

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Dear Chairman Beard and honorable members of the Senate Education Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of Senate Bill 2104 and respectfully request that you render a “DO PASS” on this bill.

There is a problem with our Century Code. Actually, more correctly, there is a problem with schools complying with our Century Code. Over the past few years, it has become quite apparent that schools, either through ignorance, lack of motivation, or willful defiance, do not follow portions of the Century Code that apply to them. This is particularly true for new laws enacted after each legislative session.

Examples of this can be easily found. The most obvious are cases that garner media attention, such as the willful defiance of the Fargo Public School District to follow the provisions of HB 1522, now enacted in §14-02.4-15.2 and §15.1-06-21 of our Century Code. Their school board took a vote and decided to openly defy a law of the State of North Dakota.<sup>1</sup> What was the consequence? Nothing. They did not break the law by simply saying they would break the law. That would be like someone being ticketed for speeding because they state to law enforcement that they intend to drive 100 mph down I-94, but then choose not to do so.

Other examples of educational noncompliance with the Century Code are less about defiance, but simply ignorance of new laws. Through contacts with sex education teachers in various schools over the past couple years, it became apparent that they were completely unaware that their human growth and development curriculum now needed to contain a high-definition ultrasound video and computer-generated rendering/animation showing fetal development, as

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<sup>1</sup> <https://katv.com/news/nation-world/north-dakota-school-district-will-conceal-students-gender-identity-from-parents-despite-new-law-fargo-public-schools-transgender-lgbt-governor-doug-burgum>

specified in HB 1265 from last legislative session (§15.1-21-28 NDCC). These teachers had no idea they were breaking the law.

So, why does this happen? It could be lack of knowledge. In other words, the Department of Public Instruction was responsible for communicating this Century Code change to school districts after the session. Did this happen? More importantly, is this occurring for all Century Code changes after each session?

It could be school districts administration or boards deciding that certain laws don't apply to them, out of lack of understanding. Or perhaps, as in the case of the Fargo School District, active defiance of the new law.

Whatever the reason, two things need to happen to ensure this is corrected. 1.) information about the Century Code changes and their implications for schools needs to be pushed down to the entities/individuals responsible for complying with the laws, and 2.) there needs to be confirmation that these entities/individuals understand they must comply with the laws and that they are doing so.

This bill accomplishes both of these elements, so North Dakota Family Alliance Legislative Action is in favor of what it seeks to accomplish. We are not testifying on the specifics of bill implementation or language, but rather that the bill would indeed be a solution to this situation.

I am not a legislator, and I am thankful for that, because you have a far more difficult job than I do. You spend thousands of hours every other year listening to testimony, discussing and debating bills, deciding on the best course of action, voting, interacting with the governor to get his signature, and then seeing bills become part of the Century Code. It is a monumental job, and we thank you for it!

What disturbs me is that many times that work is wasted. This has to stop. The laws you work so hard for are simply not always being implemented. While I may find this unacceptable, I am ultimately not able to do anything definitive about it – you must. The fact that our citizens ignore or defy these laws makes a mockery of the legislative process you undertake, as well as the legislature as a body. Those responsible for educating our children need to understand that laws are not merely suggestions, they are requirements.

As you can tell, we are passionate about this issue, and we hope you are as well. There are 141 of you who have taken a vow to represent North Dakotans by creating laws that improve our quality of life and preserve our values. Let's ensure that happens.

North Dakota Family Alliance Legislative Action strongly requests that you render a “DO PASS” on Senate Bill 2104. Thank you for the opportunity to provide this testimony, and I’d be happy to stand for any questions.

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