



NDSBA
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SB 2104
Testimony of Amy De Kok
Senate Education
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Chairman Beard and members of the Senate Education Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am providing this testimony in opposition to SB 2104.

SB 2104 proposes significant changes to how the Superintendent of Public Instruction oversees compliance with education-related state laws and regulations in school districts. While accountability and adherence to the law are important, this bill introduces concerning mechanisms that may have negative consequences for local school governance, educational autonomy, and financial stability. It also imposes burdens on the Department of Public Instruction (DPI) that current staffing and resources are unlikely to support effectively. Finally, it duplicates existing processes that already provide adequate pathways for addressing compliance issues. I respectfully offer the following reasons for my opposition:

First, local school boards and district superintendents are best positioned to understand and address the unique needs of their students and communities. By granting the Superintendent of Public Instruction expanded authority to initiate compliance reviews, issue multiple guidance letters, and impose financial penalties, this bill undermines local decision-making. Effective governance requires collaboration, not centralized oversight that risks sidelining the voices of local educators and administrators.

Second, SB 2104 authorizes the withholding of 2% of state funding for each compliance guidance letter issued beyond the first. This financial penalty is disproportionate and may have severe consequences for school districts already facing budget constraints. Penalizing schools financially diminishes resources for students and creates an adversarial environment between the Department of Public Instruction and local districts, counteracting efforts toward positive, cooperative improvement.

In addition, the bill allows any state resident to file a complaint, triggering a compliance review. Without clear parameters to prevent frivolous or politically motivated complaints, school districts could

be subjected to undue investigations, wasting administrative time and resources. Adequate safeguards and clear criteria for complaint validity must be established to prevent misuse of the review process.

Moreover, SB 2104 places significant new administrative burdens on the Department of Public Instruction, requiring it to investigate compliance complaints, conduct reviews, issue guidance, and enforce penalties. However, there is no corresponding provision for increased funding or staffing to manage these new responsibilities. DPI would struggle to meet these expanded duties effectively. This risks delays, inefficiency, and decreased support for school districts as DPI reallocates its efforts to enforcement rather than its primary role of providing guidance and educational support.

Next, SB 2104 is unnecessary because robust mechanisms for addressing compliance issues are already in place. School districts are governed by local school boards that establish policies providing clear complaint procedures. These policies enable parents, students, and community members to raise concerns directly and seek resolution. Additionally, the Superintendent of Public Instruction already has authority to guide districts in adhering to state and federal education laws. The existing framework balances local governance with state oversight, making this new legislation redundant and burdensome. Rather than imposing additional layers of bureaucracy, efforts should focus on strengthening and supporting current compliance systems.

Finally, the bill does not adequately define the scope, criteria, or standards for compliance reviews. Vague language may lead to inconsistent enforcement, arbitrary decisions, and uncertainty for school districts attempting to meet legal requirements. Clear, transparent guidelines are essential for fair and equitable application of any compliance policy.

In conclusion, while SB 2104 appears intended to enhance accountability, it creates unnecessary bureaucracy, financial harm, and inefficiency while duplicating processes that already address compliance concerns. It also sets the Department of Public Instruction up for failure by overburdening it without additional resources. I urge the committee to reject SB 2104 and issue a DO NOT PASS recommendation on the bill.

Thank you for your time and consideration of my testimony. I welcome any questions and further discussion.