

Chairman Beard and Members of the Committee,

Thank you for the opportunity to speak on SB2104. My name is Leslie Bieber. I am the Superintendent of Alexander School District in Alexander, ND.

As written, this bill raises significant concerns about the separation of powers, overreach, and unintended consequences that could negatively impact school districts and most importantly students and student outcomes.

- **Violation of Separation of Powers:**
  - The State Superintendent is an executive role with duties centered on educational leadership, not a judicial position. Assigning investigatory and punitive powers to this office blends the roles of the executive and judicial branches that undermines the principle of checks and balances.
  
- **Superseding Local Authority:**
  - Section 3, Line 5 of the bill directly undermines the autonomy of locally elected school boards by placing their decision-making authority under the State Superintendent. This overreach contradicts the foundational principle of local control in education, where school boards are tasked with addressing the unique needs of their communities.
  
- **Severe Financial Consequences:**
  - The provision to withhold 2% of funding as a punitive measure poses severe risks to districts. These funds are essential for providing resources, staff, and services to students, and withholding them could compromise educational outcomes.
  
- **Redundancy in Legal Framework:**
  - Districts are required to maintain clear policies and procedures for complaints concerning personnel, compliance with laws, and other issues. These processes ensure transparency and accountability at the local level. This established framework allows constituents to voice concerns and seek resolution through proper channels, again, at the local level.
  
  - If a constituent or even someone from the office of the state superintendent feels a district is not complying with state law, such as not showing the ultra sound video required in ND Century Code 15:1-21-28, they already have the option to file a complaint with the **Attorney General**. This existing process provides a neutral, law enforcement-based approach to addressing such concerns.
  
  - Governor Armstrong recently stated in his State of the State Address that he is committed to cleaning up inefficiencies and redundancies in our state system. Unfortunately, this bill, adds to those redundancies rather than addressing them.

- **Unrealistic Administrative Burden**

- The bill allows any individual to file a complaint, triggering an investigation without requiring adherence to the existing protocols. The volume of potential complaints could strain resources and detract from efforts to address educational priorities.
- As a school superintendent in a small town, I navigate complex social dynamics involving families, close-knit relationships, and long-standing generational friendships. Decisions related to personnel or discipline—such as hiring, firing, or expulsions—can ripple through communities. This bill risks amplifying tensions by creating an additional avenue for grievances, exacerbating local disputes rather than resolving them locally.

I ask the committee to oppose SB2104.