

Good morning Madame Chair and members of the Judiciary Committee. For the record, my name is Senator Bob Paulson from District 3 in Minot. I'm here to introduce SB 2244.

SB 2244 is a bill to codify parental rights in North Dakota. The US Supreme Court found in the 1977 case of *Washington v. Glucksberg* that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children. In the 2000 case of *Troxel v. Granville*, the US Supreme Court found that "The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a 'better' decision could be made."

While the number varies by interpretation, approximately 32 states recognize fundamental parental rights and call for strict scrutiny as a matter of judicial precedent. 18 states have codified the fundamental rights of parents in their law, so this is not new ground that is being plowed here.

We have seen the challenge to parental rights nationally, for example, as parents learned more about what their children were being taught during COVID, they raised concerns at school board meetings and were met with threat of FBI investigation. That wasn't limited to any one state—the FBI's memo applied nationwide, including right here in North Dakota.

As I have spoken with parents and teachers from across the state, they shared things of concern that have gone on in North Dakota. Things like:

- Parents having to pay hundreds of dollars via an open records request to review their children's curriculum
- Children in elementary school being given surveys that asked questions about gender identity without parental notification
- Children being asked what their preferred pronouns or preferred names are, allowing for the use of a name or identity of the opposite sex without parental notification.
- Policies that allow biological males to use female bathrooms (K12)
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- Books in school libraries that describe how to get an app that is used to find others in your area interested in gay sex. This book and others describe specific techniques and recommendations for how to engage in gay sex. There is a direct and proven link between the app that is recommended in the book and human trafficking in our country. The parents I spoke with who had children in the school were unaware of these books. Additionally, the leadership of the school district was unaware that these books are in the library.
- Of particular concern are policies that have been adopted by school districts in North Dakota that state, "School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff unless legally required to do so or the student has authorized such disclosure." This language comes from a model policy provided by the North Dakota School Board's Association.

Madam Chair and committee members, the list is much longer, but in the interest of time I just provided highlights.

The most telling thing to me was that the teachers who talked to me either refused to put things in writing, or only did so with assurances from me that I would not name them in my testimony. Think about that why that might be.

These things going on in our state are why I felt it was critical to introduce this bill.

Here are some things I believe we need to establish in North Dakota, and this bill seeks to do just that:

1. That Children are born to parents and into families that form the building blocks of a society.
2. That the laws of a society should affirm the natural order of parents raising their children and reject the idea that children are products and property of the government.
3. That we must protect the fundamental right and duty of parents to direct the upbringing and education of their children.

**When it comes to Public School Curricula, there should be:**

*Accountability:* Teachers and school administrators should not betray parents' trust by hiding information or indoctrinating students with ideas directly contrary to their family's sincerely held beliefs.

*Choice:* Parents should know what their children are taught and should have the freedom to opt-out of controversial curriculum.

*Transparency:* Parents are ultimately responsible for their children. Public schools have a responsibility and duty to be transparent about what they are teaching children and to respect parents' wishes when it comes to divisive and potentially harmful issues including gender ideology or things like critical race theory.

A parent's right to direct their children's upbringing doesn't end at the schoolhouse door.

I would like to briefly go through the bill.

Madam Chair, it was an oversight on my part that an emergency clause was included in this bill. While I think the content is of utmost importance, I don't believe the emergency clause is necessary and I would request that the committee consider amending that out.

Madam Chair, that concludes my testimony and I would be happy to stand for any questions.