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SB 2244
Testimony of Amy De Kok
Senate Judiciary Committee
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Chair Larson and members of the Senate Judiciary Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. NDSBA represents all 168 public school districts and their governing boards. While I respect the intent to promote parental involvement in education, I strongly oppose this legislation. There is no question that parents deserve a say in shaping their children’s education; they have moral and legal responsibility for their children, and the freedom to make fundamental decisions for their families. The rallying cry of parents' rights is being used for more than just amplifying parents' voices—it is contributing to turning public schools into arenas of political conflict, straining community relationships, and redirecting valuable time and energy away from teaching and learning.

Brief History of Parental Rights

Section 1 of SB 2244 expands and reinforces parental rights by granting parents exclusive authority over their child’s education, health, and upbringing, restricting government interference, mandating parental consent for certain school and medical decisions, and providing legal recourse for perceived violations.

The U.S. Supreme Court has long recognized the importance of parental involvement in children’s education. In *Meyer v. Nebraska* (1923), the Court held that parents have a right to guide their children’s education under the Fourteenth Amendment. Similarly, in *Pierce v. Society of Sisters* (1925), the Court ruled that parents can choose whether their children attend public, private, or religious schools, reinforcing parental authority in determining the type of education their children receive.

The Supreme Court has broadly recognized parental rights under the Fourteenth Amendment but has not specifically addressed their intersection with school curricula. Several federal circuit courts have ruled on the issue, generally limiting parental rights within public schools:

- **Parental Rights and Curriculum Control:** Most federal circuit courts, including the Sixth, Second, Tenth, and First Circuits, have held that while parents have the right to decide which

- The state acknowledges this right as a matter of public policy while balancing its compelling interest in protecting children from abuse and neglect.

Furthermore, during the last legislative session, the ND Legislative also considered and rejected a bill that was nearly identical to SB 2244. This prior rejection demonstrates that the provisions of SB 2244 are not only unnecessary but fail to address any substantive gaps in the law. Combined with the comprehensive parental rights codified under HB 1362, this bill is redundant and serves no practical purpose.

Additionally, NDSBA is not aware of instances where parents have been denied access to their child's educational records, school policies, or opportunities to engage in their child's learning indicating a system problem or the need to pass additional legislation. Current practices already provide parents with extensive access and involvement in their children's education, making SB 2244 superfluous.

Existing Efforts to Maximize Parental Involvement

Public schools already implement extensive measures to ensure meaningful parental engagement. These include:

- **Collaborative Development of Policies:** Parents are actively involved in the creation and review of district-level improvement plans and curricula.
- **Transparent Communication:** Schools regularly communicate with families about student progress, educational goals, and opportunities for involvement through meetings, progress reports, and parent-teacher conferences.
- **Support for Diverse Needs:** Schools accommodate parents of all backgrounds, offering resources in multiple languages and providing accessibility support for families with disabilities or other challenges.

These measures are designed to ensure that parents are informed, engaged, and empowered in their children's education without placing undue burdens on schools or staff.

Parents already have the right to review curricula, attend school meetings, and participate in their children's education. This bill imposes duplicative requirements that would overburden educators without providing additional benefits.

Concerns with the Legal Remedy and Indemnification Provision in SB 2244

I also have significant concerns with the legal remedy and indemnification provisions found in this bill, namely subsection 8 of Section 1 of the bill (which starts on line 15 on page 3) and subsection 5 of Section 2 of the bill (which starts on line 10 on page 5). This language requires the school district to pay the attorneys' fees and legal costs of parents who assert a violation regardless of whether those claims