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**SB 2307**

**Testimony of Amy De Kok**

**Senate Judiciary**

**February 10, 2025**

Chair Larson and members of the Senate Judiciary 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 writing to express our opposition to SB 2307, particularly the provisions that impose unnecessary and restrictive policies on public school libraries. This bill undermines the expertise of educators, and disregards existing federal protections, such as the Children's Internet Protection Act (CIPA), that already safeguard minors from inappropriate content. Furthermore, public schools already have policies in place to guide the selection of instructional and library materials in public schools, which ensure that educational resources are carefully vetted to meet students' developmental needs and curricular goals.

**The Existing Protections Under CIPA and School District Policies**

The federal Children's Internet Protection Act (CIPA) already establishes robust safeguards to protect minors from harmful online content in schools and libraries that receive federal E-Rate funding. CIPA mandates the use of internet filters to block access to explicit content, ensuring that children are not exposed to inappropriate material.

Additionally, most school districts adhere to structured policies regarding the selection of instructional and library materials. These policies assign responsibility for selecting materials to trained professionals who ensure alignment with state standards, readability, and age appropriateness. These policies also promote a balanced representation of controversial issues. SB 2307 is therefore redundant and places an unnecessary burden on schools and libraries.

**Overreach, Cost, and Legal Concerns**

SB 2307's provision requiring public school libraries to review and potentially remove books or materials deemed to contain "explicit sexual material" is vague and overly broad. By placing subjective standards on literary and educational materials, this bill creates the potential for censorship that could deprive students of access to valuable, age-appropriate resources.

The bill also introduces logistical and financial burdens that will disproportionately impact smaller, rural libraries, requiring costly modifications to separate restricted materials. Such expenses represent an unnecessary waste of taxpayer dollars that could otherwise be allocated toward educational programming and literacy initiatives.

Moreover, legal experts have noted that SB 2307 could expose school districts and libraries to First Amendment lawsuits. The U.S. Supreme Court's 1982 ruling in *Board of Education v. Pico* established that school boards cannot remove books from libraries simply because they dislike the ideas within them. The Court emphasized that the First Amendment protects students' rights to receive information and ideas, and removing books based on their content amounts to censorship and interferes with students' intellectual freedom. While school boards have an interest in ensuring that materials align with their educational mission, the Court held that they must do so within the boundaries of the First Amendment. The Court held that school boards may evaluate the educational value of books but cannot remove them solely due to ideological disagreements.

#### **The Role of Professional Educators**

Public school librarians and educators are trained professionals who carefully curate collections to align with educational standards and student needs. SB 2307 undermines their expertise by imposing external oversight that disregards their professional judgment. Existing district policies ensure that selection objectives include age-appropriate difficulty levels, educational alignment, and representation of diverse perspectives.

#### **Potential Harm to Students' Education**

Denying students access to diverse viewpoints, scientific knowledge, and historical context hinders their ability to think and engage with the world in a meaningful way. Literature and educational materials help students navigate complex topics in a safe and structured manner. Removing these resources under the guise of "protection" ultimately does more harm than good.

Furthermore, SB 2307's punitive measures, including withholding funds from non-compliant school districts and libraries, are excessive and counterproductive. Public libraries and school districts should not be financially penalized for upholding students' rights to access educational materials.

In conclusion, SB 2307 is an unnecessary and potentially harmful piece of legislation that undermines the professional expertise of educators and librarians, and disregards existing protections such as CIPA and the well-established selection policies of school districts. Additionally, its implementation would be costly to taxpayers and expose public institutions to legal challenges that could have been avoided. The precedent set by *Board of Education v. Pico* makes it clear that school boards cannot remove

books simply because they disapprove of their content. I urge the committee to reject this bill and instead support policies that promote comprehensive education, uphold students' rights to information, and trust the expertise of professional educators in determining appropriate materials for school libraries.