

SB 2180

Senate State and Local Government

January 24, 2025

Rebecca Pitkin

Chair Roers and members of the Senate State and Local Government Committee, my name is Rebecca Pitkin, and I am the executive director of the Education Standards and Practices Board (ESPB). ESPB issues teaching licenses and handles professional practices and complaints regarding an individual with a teaching license. I am here today in opposition to SB 1280.

The bill would require public entities, which includes ESPB, to provide the opportunity for individuals in attendance at Board meetings to “provide public comment” without “approval by the public entity”. The language of the law allows for anyone to comment on any topic during a meeting. Many of the items on the ESPB agenda are cases involving teachers and students, the latter of who are minors. Great care is taken by the Board to protect the names of minors in Board materials and information is redacted as well as password protected on a secure site. Opportunity for any individual to speak on a case could remove this layer of protection and result in a Family Educational Rights and Privacy Act (FERPA) violation. Allowing public comment erodes our ability to ensure that confidential or protected information is not disseminated inappropriately. Our Board has a complaint process for violations of North Dakota Century Code § 15.1-13-24, and within this process is an opportunity for the individual making the complaint to lay out their facts and arguments associated with the complaint. The potential for any individual to provide public comments against a licensed individual whose case the Board dismisses, provides opportunity for defamation of character, opportunity for disruption of the Board’s business (“derailing”), and possible intimidation or harassment of the Board members. In addition, as a fee funded occupational board, the Board streamlines meetings to address the agenda issues, established in advanced. Board members are practitioners working as teachers, administrators, professors, and school board members and have other responsibilities, directly serving their students. Their time spent on Board matters and meetings is streamlined to minimize time spent away from their classrooms and responsibilities with their students. Allowing for public comments not subject to prior approval by the entity (in this case the Board) and only allowing for limitations by time per speaker is not conducive to the streamlined approached to meetings that the Board has built, and any additional time taken up by extended meetings is time taken away from Board members in their classrooms or with their students. In addition, if a FERPA violation

were to occur because of public comments, there is potential for additional time to be required of Board members as a part of the FERPA complaint process.

A meeting with potential ongoing comments is not effective use of public monies nor the time of the educators and has the potential to be far outside the scope of Board duties as found in North Dakota Century Code § 15.1-13-08.

The Board asks for a do not pass recommendation on SB 2180. This concludes my testimony.

Rebecca Pitkin, PhD

rpitkin@nd.gov

701.328.9646