# **2021 HOUSE EDUCATION**

HB 1356

# 2021 HOUSE STANDING COMMITTEE MINUTES

# **Education Committee**

Coteau AB Room, State Capitol

HB 1356 1/27/2021

Relating to a youth patriotic society's access to students during school hours

**Chairman Owens** opened the hearing at 10:46 AM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present. Rep. M. Johnson was absent.

# **Discussion Topics:**

- Prohibition of groups to present to students in schools
- "Youth Patriotic Society" participants
- Future opportunities with learned skills for group participants
- Recruitment revival
- #3786 Rep. Lisa Meier, Dist 32, introduced HB 1356
- #3722 Sen. Dick Dever, Dist 32
- #3788 Dale Sandstrom

#3443 Jim Upgren, ND DPI

#3792 Amy DeKok, Counsel, ND School Board Association

#3556 Robin Nelson, CEO, Boys & Girls Clubs of Red River Valley

#3587, #3586, #3588 Russ Ziegler, Asst. Director, ND CEL

# Additional Written testimony:

#3853 Rep Brandi Pyle, amendment 21.0460.01001

#3574, #3575 Robert Gilkerson

#3490 David Sprynczynatyk

#3296 Jason Benson, Dist Commander, Northern Lights Council, BSA

#3138, #3137 Richard McCartney, Dist Commissioner, Norther Lights Council, BSA

#3119 Brant Cartwright, scouting volunteer

Closed the hearing on HB 1356 at 11:56 AM.

Bev Monroe, Committee Clerk

HB 1356

Good Morning Mr. Chairman and members of the House Education Committee.

For the record my name is Rep. Lisa Meier of District 32 in Bismarck.

House Bill 1356 would allow an adult of a youth patriotic society once in the fall of the year with notification to the principal of a school, to gain permission of time and place to speak to students for a few minutes about involvement in their organization.

The only organization that would apply to this section in code in the bill, is the Boy Scouts and the Girl Scouts in North Dakota.

There is a need for more patriotism and more civics.

Article 8, Section 1, of our North Dakota Constitution calls for the establishment of a high degree of patriotism for our students.

Scouting teaches:

- Knowledge of how our system of government works.
- The difference between state, federal and local government.
- The proper roles of the legislative, executive, and judicial branches.
- The rights and duties of citizens.

Unfortunately, schools in North Dakota are denying Scouting the opportunity to make these brief presentations to engage our youth. We as a State now pay for 70% of education costs for public education.

The proposed bill parallels, but, is even more narrow than a bill that was adopted by the 2019 South Dakota Legislature. Their bill has worked very well for them.

I've been involved in Scouting for twenty some years now and have personally seen so many positive outcomes in our youth.

This bill will help promote patriotism and civic education for our youth.

As Benjamin Franklin said. "By failing to prepare, you are preparing to fail."

Thank you!

# Testimony on HB 1356 House Education Committee Senator Dick Dever January 27, 2021

Mr. Chairman, members of the Committee, I am Dick Dever, Senator from District 32 here in Bismarck. I am also the father of three, grandfather of twelve, and a former Scoutmaster.

Five years ago, this month, the Interim Human Services Committee invited the Principals of an elementary school in Bismarck, a middle school in Bismarck, and the High School in Grafton to speak on behavioral health issues in our schools.

When the Principal of Dorothy Moses Elementary School in Bismarck passed his testimony out, I skimmed through it. By the number and severity of the issues, I assumed he was speaking for the entire District, but he was only speaking about one school.

When they were all three done, I raised my hand and said, "In addition to whatever we do legislatively, I think we need a statewide initiative that just says, 'People Matter!'". The committee enthusiastically agreed and said, "Go for it!"

We did go for it. Now, in South Bismarck, my Pastor and the Principal of the Middle School across the street lead an effort entitled, "People Matter".

We are dealing with addiction in Middle School and mental health issues in elementary school. Teachers appropriately say, "We're teachers. We're not social workers".

Over the past decades, I have heard Presidents of both parties say that we need more adult male mentors. I have had that opportunity, along with a lot of other good people. I threw myself into my role as a Scoutmaster for six years in the nineties. We had a large Troop with as many as seventy Scouts and thirty Assistant Scoutmasters at one time. Twenty of those Assistants participated in most activities including our monthly campouts. I told my Troop Committee that I felt that we were truly blessed to have so many people with so many different skills and abilities and the thing that qualified me to be Scoutmaster was my complete lack of skills and abilities. That enabled me to stand back and say, "Gosh, how do you think we should do this?"

When I first met Mitch, he was an eleven-year-old fifth grader. His father had died by suicide two years previously and his mother wanted him to have positive adult male role models. He was full of spunk, so I asked him, "So, Mitch, what's your claim to fame?" Without hesitation, and with some sense of pride he said, "I believe I have the most green slips of anybody at Dorothy Moses!"

Some years later, I attended the Veteran's Day ceremony here on the Capitol grounds. His mother came to me and held out her hand. In her hand, she held a picture of Mitch in his Marine Corps dress uniform. I said, "He looks like a fine young gentleman. You must be very proud." She said, "Everything that he has become is because of you." She was far too generous in her comment, but the experience Mitch had with all the adult and older scout involvement made a big difference in his life.

Shane was the only child of a single mother. His mother wanted him to have adult male influence as well. Shane was special needs with an intellectual disability. He became a favorite of the Troop and several adults went out of their way to work with him. When he received his Eagle award, it was a source of pride for all of us. The Eagle rank is not about being intelligent or the things you do. It is about who you become.

Three or four times, we travelled to Grand Forks and toured a different program at UND and then attended a hockey game on Saturday evening. Between periods at one game, someone asked me if I was the Scoutmaster. Knowing the conversation could go one way or the other from there, I said, "Yes, I am!" He said, "They are a great bunch of kids they are very well behaved."

Later that evening, Justin, who was a first-year scout, came to me and said that when we ate at the Student Union that day, they gave him one dollar too much in change. We would be leaving the next day before they opened so I told him to put the dollar in the offering plate at the church we were attending.

Scouting was always a positive influence and a community partner in youth involvement. For some reason, sometime in the nineties, the schools began saying, "If we allow those positive influencers in our schools, we will be required to allow the negative influencers." I have never understood that logic.

I believed that my greatest obligation as a Scoutmaster was to be a friend to boys who otherwise had no friends. I told the adults in the Troop that there can be no higher calling than to make a positive difference in the lives of young people. You have the opportunity to do just that with the passage of this bill.

#3788

## HB 1356 — Testimony of Dale Sandstrom

Good morning Mr. Chairman and members of the House Education Committee. I am Dale Sandstrom, appearing on my own behalf and on behalf of the Northern Lights Council of the Boy Scouts of America. It is always a privilege to return to our State Capitol where I was privileged to serve in public office for more than four decades, more that a third of a century in elective statewide public office—nearly a decade on the Public Service Commission and 24 years on the Supreme Court.

Throughout my career I have sought, in many ways, to promote civic education including understanding of our constitutional system of government. Some of those ways include our program of taking the Courts to the Schools, the Justices Teaching Institute, the state We the People competition testing high school students' knowledge of the Constitution, the Know Your State Competition, and speaking to student groups. One of the most important ways I have sought to promote civic education and patriotic good citizenship is through Scouting, a program in which I have been continuously engaged in for more than 60 years, ever since someone came to our school and told us about the opportunity to be involved.

Scouting has a citizenship, civic education component at every level, and I've served Scouting at virtually every level, from den leader to the National Council. In recent years I've focused on serving as a counselor for the Citizenship merit badges and the Law merit badge, and hosting the annual Boy Scout Report to the State/Governor. When the Boy Scouts celebrated their 100<sup>th</sup> Anniversary, we held the Scouting Centennial Celebration at the Capitol with more than 3,000 Scouts and leaders from around state camping here on the Capitol grounds. They toured the Capitol, participated in mock legislative sessions debating a texting-and-driving bill, and heard mock arguments before the full Supreme Court on a school-backpack-search case. Two years later, for the Girl Scouts' centennial we did it again, with more than

1,200 Scouts and their leaders. That time when one of our justices could not be present, we invited the Chief Tribal Judge from Standing Rock, himself and an Eagle Scout, to sit with us.

A few weeks ago I heard U.S. Supreme Court Justice Neil Gorsuch on public television. He said that studies show that only one-third of Americans know that there are three branches of government.

There is a huge need for more patriotism, more civic education:

- knowledge of how our system of government works

- the difference between state and federal and local government

- the proper roles of the legislative, executive, and judicial branches

- the rights and the duties of citizenship.

Boy Scouts and Girl Scouts teach all of these things. Young people benefit from Scouting's teaching of patriotism, civics, and the duties and responsibilities of citizenship, as well the rights. Scouting instills in young people morals and values, and skills of self-reliance that equip them to make ethical decisions for a lifetime.

To do these things, Scouting needs to reach out to young people in our schools to tell them briefly about how they can become involved in its programs that do these positive things while having fun and increasing their physical fitness.

Unfortunately, some schools in North Dakota are denying Scouting the opportunity to make these brief presentations to engage our youth. Not all school districts are doing this but those that block this access include many of the largest districts in the state: Fargo, West Fargo, Grand Forks, Bismarck and Minot.

Does this opportunity to make these brief presentations make a difference? North Dakota Chief Justice Jon Jensen, an Eagle Scout, tells me that when was Scouting District Chairman for the district including Grand Forks which denied school access and East Grand Forks which permitted it, the number of Scouts in each city was approximately equal. This was the case even though Grand Forks was five-times larger than East Grand Forks!

House Bill 1356 allows patriotic societies, including Scouting, to have access to

public schools to inform students of opportunities to participate. The proposed bill parallels—but is even narrower than—a bill adopted by the 2018 South Dakota legislature. The South Dakota bill has worked well without problems. The South Dakota law allows all those organizations listed in U.S. Code Title 36 that are in the subgroup "patriotic society" to have the opportunity to make brief talks during the school day to tell about the opportunity for involvement with their programs.

The North Dakota bill draft further limits those eligible to make presentations to "youth patriotic societies." This is a classification established by Congress in 20 U.S. Code § 7905, an Act prohibiting public schools from discriminating against the "Boy Scouts of America, or any other youth group listed in Title 36 (as a patriotic society)."

Although there are many organizations in U.S. Code Title 36, only the Boy Scouts of America (Scouting BSA), the Girl Scouts, and Future Farmers of America (FFA) appear to fit into this class in North Dakota.

The bill freezes the list as it existed in the federal statute on January 1, 2021. The Boy Scouts and the Girl Scouts are the only organizations known to have used the South Dakota law.

The brief classroom explanation to students would be limited to the first quarter of the school year and be scheduled in coordination with school administrators, who we know already juggle and organize a lot of student opportunities and activities.

For those administrators who have wanted a clear legislative framework before letting Scouting make brief presentations, this bill provides it.

Scouting representatives have met with the Superintendent of Public Instruction, and the organizations representing the school boards, school administrators, and teachers about this legislation.

Finally, I would note that both the Boy Scouts of America and the Girl Scouts of the United State of America have the special characteristic of having been Chartered by Congress.

The HB 1356 will help the Legislature achieve its goals of promoting patriotism and civic education.

Thank you!

101.

General

## TITLE 36-PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

This title was enacted by Pub. L. 105–225, §1, Aug. 12, 1998, 112 Stat. 1253

Subtitle I—Patriotic and National Observances and Ceremonies

## PART A—OBSERVANCES AND CEREMONIES

| Chap. |  | Sec. |
|-------|--|------|
| 1.    | Patriotic and National Observances                             | 101  |
| 3.    | National Anthem, Motto, Floral Emblem, March, and Tree         | 301  |
| 5.    | Presidential Inaugural Ceremonies                              | 501  |
| 7.    | Federal Participation in Carl Garner Federal Lands Cleanup Day | 701  |
| 9.    | Miscellaneous  | 901  |
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# PART B-UNITED STATES GOVERNMENT ORGANIZATIONS INVOLVED WITH **OBSERVANCES AND CEREMONIES**

| 21. | American Battle Monuments Commission                            | 2101 |
|-----|---|------|
| 23. | United States Holocaust Memorial Council <u>1</u>               | 2301 |
| 25. | President's Committee on Employment of People With Disabilities | 2501 |

25. President's Committee on Employment of People With Disabilities

### Subtitle II—Patriotic and National Organizations

# PART A-GENERAL

10101

# PART B-ORGANIZATIONS

| 201.   | Agricultural Hall of Fame  | 20101 |
|--------|--|-------|
| 201.   | Air Force Sergeants Association                                      | 20101 |
| 202.   | 5  | 20201 |
|        | American Academy of Arts and Letters                                 |       |
| 205.   | American Chemical Society  | 20501 |
| 207.   | American Council of Learned Societies                                | 20701 |
| 209.   | American Ex-Prisoners of War   | 20901 |
| 210.   | American GI Forum of the United States                               | 21001 |
| 211.   | American Gold Star Mothers, Incorporated                             | 21101 |
| 213.   | American Historical Association                                      | 21301 |
| 215.   | American Hospital of Paris   | 21501 |
| 217.   | The American Legion  | 21701 |
| 219.   | The American National Theater and Academy                            | 21901 |
| 221.   | The American Society of International Law                            | 22101 |
| 223.   | American Symphony Orchestra League                                   | 22301 |
| 225.   | American War Mothers   | 22501 |
| 227.   | AMVETS (American Veterans)   | 22701 |
| 229.   | Army and Navy Union of the United States of America                  | 22901 |
| 231.   | Aviation Hall of Fame  | 23101 |
| 233 th | rough 299. RESERVED  |       |
| 301.   | Big Brothers—Big Sisters of America                                  | 30101 |
| 303.   | Blinded Veterans Association   | 30301 |
| 305.   | Blue Star Mothers of America, Inc.                                   | 30501 |
| 307.   | Board For <sup>2</sup> Fundamental Education                         | 30701 |
| ••••   | Board For = Fundamental Education                                    |       |
| 309.   | Boy Scouts of America  | 30901 |
| 311.   | Boys & Girls Clubs of America  | 31101 |
| 313 th | rough 399. RESERVED  |       |
| 401.   | Catholic War Veterans of the United States of America, Incorporated  | 40101 |
| 403.   | Civil Air Patrol   | 40301 |
| 405.   | Congressional Medal of Honor Society of the United States of America | 40501 |

| 407.     | Corporation for the Promotion of Rifle Practice and Firearms Safety                 | 40701  |
|----------|---|--------|
| 409 thro | bugh 499. RESERVED  |        |
| 501.     | Daughters of Union Veterans of the Civil War 1861–1865                              | 50101  |
| 503.     | Disabled American Veterans  | 50301  |
|          | bugh 599. RESERVED  |        |
|          |   | 60101  |
| 601.     | 82nd Airborne Division Association, Incorporated                                    | 00101  |
|          | bugh 699. RESERVED  |        |
| 701.     | Fleet Reserve Association   | 70101  |
| 703.     | Former Members of Congress  | 70301  |
| 705.     | The Foundation of the Federal Bar Association                                       | 70501  |
| 707.     | Frederick Douglass Memorial and Historical Association                              | 70701  |
| 709.     | Future Farmers of America   | 70901  |
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|          | bugh 799. RESERVED  |        |
| 801.     | General Federation of Women's Clubs   | 80101  |
| 803.     | Girl Scouts of the United States of America   | 80301  |
| 805.     | Gold Star Wives of America  | 80501  |
| 807 thre | bugh 899. RESERVED  |        |
| 901.     | Help America Vote Foundation  | 90101  |
|          | bugh 999. RESERVED  | 00101  |
|          | Italian American War Veterans of the United States                                  | 100101 |
| 1001.    |   | 100101 |
|          | rough 1099. RESERVED  |        |
| 1101.    | Jewish War Veterans of the United States of America, Incorporated                   | 110101 |
| 1103.    | Jewish War Veterans, U.S.A., National Memorial, Incorporated                        | 110301 |
| 1105 th  | rough 1199. RESERVED  |        |
| 1201.    | 0   | 120101 |
|          | rough 1299. RESERVED  |        |
| 1301.    | Ladies of the Grand Army of the Republic  | 130101 |
|          |   |        |
| 1303.    | Legion of Valor of the United States of America, Incorporated                       | 130301 |
| 1305.    | Little League Baseball, Incorporated  | 130501 |
| 1307 th  | rough 1399. RESERVED  |        |
| 1401.    | Marine Corps League   | 140101 |
| 1403.    | The Military Chaplains Association of the United States of America                  | 140301 |
| 1404.    | Military Officers Association of America  | 140401 |
| 1405.    | Military Order of the Purple Heart of the United States of America, Incorporated    | 140501 |
|          |   | 140701 |
| 1407.    | Military Order of the World Wars  | 140701 |
|          | rough 1499. RESERVED  |        |
| 1501.    | National Academy of Public Administration   | 150101 |
| 1503.    | National Academy of Sciences  | 150301 |
| 1505.    | National Conference of State Societies, Washington, District of Columbia            | 150501 |
| 1507.    | National Conference on Citizenship  | 150701 |
| 1509.    | National Council on Radiation Protection and Measurements                           | 150901 |
| 1511.    | National Education Association of the United States                                 | 151101 |
|          |   |        |
| 1513.    | National Fallen Firefighters Foundation   | 151301 |
| 1515.    | National Federation of Music Clubs  | 151501 |
| 1517.    | National Film Preservation Foundation   | 151701 |
| 1519.    | National Fund for Medical Education   | 151901 |
| 1521.    | National Mining Hall of Fame and Museum   | 152101 |
| 1523.    | National Music Council  | 152301 |
| 1524.    | National Recording Preservation Foundation  | 152401 |
|          | •   | 152501 |
| 1525.    | National Safety Council   |        |
| 1527.    | National Ski Patrol System, Incorporated  | 152701 |
| 1529.    | National Society, Daughters of the American Colonists                               | 152901 |
| 1531.    | The National Society of the Daughters of the American Revolution                    | 153101 |
| 1533.    | National Society of the Sons of the American Revolution                             | 153301 |
| 1535.    | National Tropical Botanical Garden  | 153501 |
| 1537.    | National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic          | 153701 |
| 1539.    | The National Yeomen (F)   | 153901 |
|          |   | 154101 |
| 1541.    | Naval Sea Cadet Corps   |        |
| 1543.    | Navy Club of the United States of America   | 154301 |
| 1545.    | Navy Wives Clubs of America   | 154501 |
| 1547.    | Non Commissioned Officers Association of the United States of America, Incorporated | 154701 |
| 15/0 th  | nrough 1599, RESERVED   |        |

| 1601 through 1699. RESERVED   |        |
|---|--------|
| 1701. Paralyzed Veterans of America   | 170101 |
| 1703. Pearl Harbor Survivors Association                                    | 170301 |
| 1705. Polish Legion of American Veterans, U.S.A.                            | 170501 |
| 1707 through 1799. RESERVED   | 110001 |
| 1801 through 1899. RESERVED   |        |
| 1901. Reserve Officers Association of the United States                     | 190101 |
| 1903. Retired Enlisted Association, Incorporated                            | 190301 |
| 1905 through 1999. RESERVED   | 130301 |
| 2001. Society of American Florists and Ornamental Horticulturists           | 200101 |
| 2003. Sons of Union Veterans of the Civil War                               | 200301 |
| 2005 through 2099. RESERVED   | 200301 |
| 2101. Theodore Roosevelt Association  | 210101 |
| 2103. 369th Veterans' Association   | 210101 |
| 2105 through 2199. RESERVED   | 210301 |
| 2201. United Service Organizations, Incorporated                            | 220101 |
| 2203. United States Capitol Historical Society                              | 220301 |
| 2205. United States Olympic and Paralympic Committee                        | 220501 |
| 2207. United States Submarine Veterans of World War II                      | 220301 |
| 2209 through 2299. RESERVED   | 220101 |
| 2301. Veterans of Foreign Wars of the United States                         | 230101 |
| 2303. Veterans of World War I of the United States of America, Incorporated | 230301 |
| 2305. Vietnam Veterans of America, Inc.                                     | 230501 |
| 2307 through 2399. RESERVED   | 200001 |
| 2401. Women's Army Corps Veterans' Association                              | 240101 |
| 2403 through 2499. RESERVED   | 240101 |
| 2501 through 2599. RESERVED   |        |
| 2601 through 2699. RESERVED   |        |
|   |        |

2701 through 2799. RESERVED

# Subtitle III—Treaty Obligation Organizations

| vvvi. The American National Red Cros | 3001. | The American | National | Red | Cross |
|--------------------------------------|-------|--------------|----------|-----|-------|
|--------------------------------------|-------|--------------|----------|-----|-------|

300101

### EDITORIAL NOTES

### AMENDMENTS

**2020**—Pub. L. 116–189, §4(b), Oct. 30, 2020, 134 Stat. 946, which directed amendment of analysis for part B of subtitle II of this title by substituting "United States Olympic and Paralympic Committee" for "United States Olympic Committee" in item for chapter 2205, was executed by making the substitution in this analysis to reflect the probable intent of Congress.

2014—Pub. L. 113–237, §3(a)(1), Dec. 18, 2014, 128 Stat. 2833, added complete analysis and struck out former analysis which consisted only of items for subtitles I to III.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF FORMER TITLE 36

| Title 36     |
|--------------|
| New Sections |
| 300101       |
| 300105       |
| 300106       |
| 300105       |
| 300106       |
| 300102       |
| Prev. Rep.   |
| 300103       |
| 300104       |
| 300107       |
|              |

Pub. L. 105–354, §5(b), Nov. 3, 1998, 112 Stat. 3245, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Nov. 3, 1998.

Pub. L. 105–225, §6(a), Aug. 12, 1998, 112 Stat. 1499, provided that: "The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal."

Pub. L. 105–225, §6(b), Aug. 12, 1998, 112 Stat. 1499, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 12, 1998.

# <sup>1</sup> So in original. Does not conform to chapter heading.

<sup>2</sup> So in original. Probably should not be capitalized.

### Subtitle I—Patriotic and National Observances and Ceremonies

### **EDITORIAL NOTES**

### AMENDMENTS

**2014**—Pub. L. 113–237, §3(a)(2)(A), Dec. 18, 2014, 128 Stat. 2835, struck out item for part A "Observances and Ceremonies", which consisted of items for chapters 1 to 9, and item for part B "United States Government Organizations Involved With Observances and Ceremonies", which consisted of items for chapters 21 to 25.

**2004**—Pub. L. 108–447, div. J, title I, §109(b)(1), Dec. 8, 2004, 118 Stat. 3344, substituted "March, and Tree" for ", and March" in item for chapter 3.

### PART A—OBSERVANCES AND CEREMONIES

### CHAPTER 1-PATRIOTIC AND NATIONAL OBSERVANCES

| 0000. |   |
|-------|---|
| 101.  | American Heart Month.                           |
| 102.  | Asian/Pacific American Heritage Month.          |
| 103.  | Cancer Control Month.                           |
| 104.  | Carl Garner Federal Lands Cleanup Day.          |
| 105.  | Child Health Day.                               |
| 106.  | Constitution Day and Citizenship Day.           |
| 107.  | Columbus Day.                                   |
| 108.  | Constitution Week.                              |
| 109.  | Father's Day.                                   |
| 110.  | Flag Day.                                       |
| 111.  | Gold Star Mother's Day.                         |
| 112.  | Honor America Days.                             |
| 113.  | Law Day, U.S.A.                                 |
| 114.  | Leif Erikson Day.                               |
| 115.  | Loyalty Day.                                    |
| 116.  | Memorial Day.                                   |
| 117.  | Mother's Day.                                   |
| 118.  | National Aviation Day.                          |
| 119.  | National Day of Prayer.                         |
| 120.  | National Defense Transportation Day.            |
| 121.  | National Disability Employment Awareness Month. |
| 122.  | National Flag Week.                             |
| 123.  | National Forest Products Week.                  |
| 124.  | National Freedom Day.                           |
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125. National Grandparents Day, 126. National Hispanic Heritage Month. 127. National Korean War Veterans Armistice Day. 128. National Maritime Day. 129. National Pearl Harbor Remembrance Day. 130. National Poison Prevention Week. 131. National Safe Boating Week. 132. National School Lunch Week. 133. National Transportation Week. 134. Pan American Aviation Day, 135. Parents' Day. 136. Peace Officers Memorial Day. 137. Police Week. 138. Save Your Vision Week. 139. Steelmark Month. 140. Stephen Foster Memorial Day. 141. Thomas Jefferson's birthday. 142. White Cane Safety Day. 143. Wright Brothers Day.

144. Patriot Day.

145. Veterans Day.

### EDITORIAL NOTES

### AMENDMENTS

**2016**—Pub. L. 114–240, §2(b), Oct. 7, 2016, 130 Stat. 975, added item 145.

**2004**—Pub. L. 108–447, div. J, title I, §111(c)(2), Dec. 8, 2004, 118 Stat. 3345, inserted "Constitution Day and" before "Citizenship Day" in item 106.

2001—Pub. L. 107–89, §2, Dec. 18, 2001, 115 Stat. 877, added item 144.

### STATUTORY NOTES AND RELATED SUBSIDIARIES

# **AMERICAN WORLD WAR II HERITAGE CITIES**

Pub. L. 116-9, title IX, §9007, Mar. 12, 2019, 133 Stat. 837, provided that:

"(a) DESIGNATION.—In order to recognize and ensure the continued preservation and importance of the history of the United States involvement in World War II, each calendar year the Secretary [of the Interior] may designate 1 or more cities located in 1 of the several States or a territory of the United States as an 'American World War II Heritage City'. Not more than 1 city in each State or territory may be designated under this section.

"(b) APPLICATION FOR DESIGNATION.—The Secretary may—

"(1) establish and publicize the process by which a city may apply for designation as an American World War II Heritage City based on the criteria in subsection (c); and

"(2) encourage cities to apply for designation as an American World War II Heritage City. "(c) CRITERIA FOR DESIGNATION.—The Secretary, in consultation with the Secretary of the Smithsonian Institution or the President of the National Trust for Historic Preservation, shall make each designation under subsection (a) based on the following criteria:

"(1) Contributions by a city and its environs to the World War II home-front war effort, including contributions related to—

"(A) defense manufacturing, such as ships, aircraft, uniforms, and equipment;

"(B) production of foodstuffs and consumer items for Armed Forces and home

consumption;

"(C) war bond drives;

"(D) adaptations to wartime survival;

"(E) volunteer participation;

"(F) civil defense preparedness;

"(G) personnel serving in the Armed Forces, their achievements, and facilities for their rest and recreation; or In subsection (a), the word "have" is substituted for "maintain at all times", and the word "authorized" is omitted, for consistency in the revised title and to eliminate unnecessary words. The words "is notice to or service on the corporation" are substituted for "shall be deemed sufficient notice or service upon the corporation" for consistency in the revised title.

In subsection (b), the word "precedent" is omitted as unnecessary. The words "with the secretary of state or other designated official" are substituted for "in the office of the Secretary of State, or similar office" for consistency in the revised title. The words "post office" and "authorized" are omitted as unnecessary.

# §30711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority. (Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1324.)

| HISTORICAL AND REVISION NOTES |                    | vision Notes                               |
|-------------------------------|--------------------|--|
| Revised<br>Section            | Source (U.S. Code) | Source (Statutes at Large)                 |
| 30711                         | 36:511.            | July 19, 1954, ch. 536, §11, 68 Stat. 491. |

# §30712. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be used by the board of directors for the purpose stated in section 30702 of this title or be transferred to a recognized educational foundation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1324.)

| HISTORICAL A | ND REVIS | ION NOTES |
|--------------|----------|-----------|
|--------------|----------|-----------|

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large)                 |
|--------------------|--------------------|--|
| 30712              | 36:515.            | July 19, 1954, ch. 536, §15, 68 Stat. 492. |

The word "satisfaction" is omitted as included in "discharge", and the word "obligations" is omitted as included in "liabilities". The word "outstanding" is omitted as unnecessary.

### CHAPTER 309-BOY SCOUTS OF AMERICA

| Sec.   |   |
|--------|---|
| 30901. | Organization.   |
| 30902. | Purposes.   |
| 30903. | Governing body.                                       |
| 30904. | Powers.   |
| 30905. | Exclusive right to emblems, badges, marks, and words. |
| 30906. | Restrictions.   |
| 30907. | Annual and special meetings.                          |
| 30908  | Annual report   |

### 30908. Annual report.

## §30901. Organization

(a) FEDERAL CHARTER.—Boy Scouts of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) DOMICILE.—The domicile of the corporation is the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1325.)

HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code)             | Source (Statutes at Large)  |
|--------------------|--------------------------------|---|
| 30901              | 36:21.                         | June 15, 1916, ch. 148, §§1, 2 (words before 2d comma), 39 Stat. 227. |
|                    | 36:22 (words before 2d comma). |   |

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

## §30902. Purposes

The purposes of the corporation are to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods that were in common use by boy scouts on June 15, 1916.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1325.)

| HISTORICAL AND REVISION NOTES |   |   |
|-------------------------------|---|---|
| Revised<br>Section            | Source (U.S. Code) Source (Statutes at Large) |   |
| 30902                         | 36:23.  | June 15, 1916, ch. 148, §3, 39 Stat. 228. |

# §30903. Governing body

(a) EXECUTIVE BOARD.—An executive board composed of citizens of the United States is the governing body of the corporation. The number, qualifications, and term of office of members of the board are as provided in the bylaws. A vacancy on the board shall be filled by a majority vote of the remaining members of the board.

(b) QUORUM.—The bylaws may prescribe the number of members of the board necessary for a quorum. That number may be less than a majority of the entire board.

(c) COMMITTEES.—(1) The board, by resolution passed by a majority of the entire board, may designate 3 or more members of the board as an executive or governing committee. A majority of the committee is a quorum. The committee, to the extent provided in the resolution or bylaws, may—

(A) exercise the powers of the executive board in managing the activities of the corporation; and

(B) authorize the seal of the corporation to be affixed to papers that may require it.

(2) The board, by majority vote of the entire board, may appoint other standing committees. The standing committees may exercise powers as provided in the bylaws.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1325.)

| Revised<br>Section | Source (U.S. Code)          | Source (Statutes at Large)  |
|--------------------|-----------------------------|---|
| 30903(a)           | 36:25 (1st-4th sentences).  | June 15, 1916, ch. 148, §5 (1st–5th, 7th, 8th sentences), 39 Stat. 228. |
| 30903(b)           | 36:25 (5th sentence).       |   |
| 30903(c)           | 36:25 (7th, 8th sentences). |   |

| HISTORICAL AND REVISION NOTE | ES |
|------------------------------|----|
|------------------------------|----|

In subsection (a), the text of 36:25 (3d sentence) is omitted as executed and obsolete.

In subsection (c)(1)(A), the words "have and" are omitted as unnecessary. The word "activities" is substituted for "business affairs" for consistency in the revised title.

In subsection (c)(1)(B), the words "have power to" are omitted as unnecessary.

## §30904. Powers

(a) GENERAL.—The corporation may—

| Section  |                          |   |
|----------|--------------------------|---|
| 80105(a) | 36:3503 (last sentence). | Mar. 3, 1901, ch. 860, §3 (last sentence), 31 |
|          |                          | Stat. 1439.                                   |
| 80105(b) | 36:3504.                 | Mar. 3, 1901, ch. 860, §4, as added Apr. 28,  |
|          |                          | 1904, ch. 1790, 33 Stat. 542; June 7, 1934,   |
|          |                          | ch. 425, 48 Stat. 925.                        |

In subsection (b), the word "may" is substituted for "be, and it is hereby, authorized to", and the words "as it from time to time may deem best" are omitted, to eliminate unnecessary words.

# §80106. Distribution of assets on dissolution

On dissolution of the corporation, the board of directors shall liquidate and distribute its assets to organizations qualified as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) with purposes similar to those of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1360.)

| HISTORICAL | AND | REVISION | Notes |
|------------|-----|----------|-------|
|------------|-----|----------|-------|

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large)   |
|--------------------|--------------------|--|
| 80106              | 36:3501(c).        | Mar. 3, 1901, ch. 860, §1(c), as added Aug.<br>7, 1986, Pub. L. 99–376, §1(3), 100 Stat.<br>804. |

### CHAPTER 803—GIRL SCOUTS OF THE UNITED STATES OF AMERICA

| Sec.   |   |
|--------|---|
| 80301. | Organization.   |
| 80302. | Purposes.   |
| 80303. | Governing body.                                       |
| 80304. | Powers.   |
| 80305. | Exclusive right to emblems, badges, marks, and words. |
| 80306. | Restrictions.   |
| 80307. | Annual report.  |
|        |   |

## §80301. Organization

(a) FEDERAL CHARTER.—Girl Scouts of the United States of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) DOMICILE.—The domicile of the corporation is the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1361.)

| HISTORICAL AND | <b>REVISION NOTES</b> |
|----------------|-----------------------|
|----------------|-----------------------|

| Revised<br>Section | Source (U.S. Code)             | Source (Statutes at Large)  |
|--------------------|--------------------------------|---|
| 80301              | 36:31.                         | Mar. 16, 1950, ch. 62, §§1, 2 (words before 2d comma), 64 Stat. 22. |
|                    | 36:32 (words before 2d comma). |   |

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

# §80302. Purposes

The purposes of the corporation are-

(1) to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community;

(2) to direct and coordinate the Girl Scout movement in the United States and territories and possessions of the United States; and

(3) to fix and maintain standards for the movement that will inspire the rising generation with the highest ideals of character, patriotism, conduct, and attainment.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1361.)

### HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code)               | Source (Statutes at Large)  |
|--------------------|----------------------------------|---|
| 80302              | 36:33 (words before 19th comma). | Mar. 16, 1950, ch. 62, §3 (words before 19th comma), 64 Stat. 23. |

## §80303. Governing body

(a) NATIONAL COUNCIL.—(1) There shall be a National Council of Girl Scouts. The number, qualifications, and term of office of members of the Council are as provided in the constitution of the corporation, except that members of the Council must be citizens of the United States.

(2) The Council may adopt and amend a constitution and bylaws and elect a board of directors, officers, and agents.

(3) The constitution may prescribe the number of members of the Council necessary for a quorum. That number may be less than a majority of the entire Council.

(4) Meetings of the Council shall be held as provided in the constitution to hold elections and receive reports of the officers and board of directors. Special meetings may be called as provided in the constitution.

(b) BOARD OF DIRECTORS.—(1) To the extent provided in the constitution and bylaws, the board of directors shall have the powers of the Council and manage the activities of the corporation between meetings of the Council. The number, qualifications, and term of office of directors are as provided in the constitution.

(2) The constitution may prescribe the number of directors necessary for a quorum. That number shall be at least 20 or two-fifths of the entire board.

(c) EXECUTIVE AND OTHER COMMITTEES.—The bylaws may provide for—

(1) an executive committee to carry out the powers of the board of directors between meetings of the board; and

(2) other committees to operate under the general supervision of the board of directors.

(d) LOCATION OF MEETINGS AND RECORDS.—The Council and the board of directors may hold meetings and keep the seal and records of the corporation in or outside the District of Columbia.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1361.)

| Revised<br>Section | Source (U.S. Code)   | Source (Statutes at Large)  |
|--------------------|--|---|
| 80303(a)(1)        | 36:34 (1st sentence words before 1st comma, 2d sentence).        | Mar. 16, 1950, ch. 62, §§4 (1st–7th<br>sentences), 5, 64 Stat. 23, 24; Aug. 14,<br>1953, ch. 486, §1, 67 Stat. 582. |
| 80303(a)(2)        | 36:34 (1st sentence words after 1st comma).                      |   |
| 80303(a)(3)        | 36:34 (3d sentence).   |   |
| 80303(a)(4)        | 36:35 (1st, 2d sentences).                                       |   |
| 80303(b)(1)        | 36:34 (4th sentence words before 1st comma, 5th, 7th sentences). |   |
| 80303(b)(2)        | 36:34 (6th sentence).  |   |
| 80303(c)           | 36:34 (4th sentence words after 1st comma).                      |   |
| 80303(d)           | 36:35 (last sentence).   |   |

HISTORICAL AND REVISION NOTES

In subsection (a)(1), the words "(hereinafter referred to as the 'national council')" are omitted as

# TESTIMONY ON HB 1356 HOUSE EDUCATION COMMITTEE January 27, 2021 By: Jim Upgren, Assistant Director, Office of School Approval and Opportunity 701-328-2244 North Dakota Department of Public Instruction

Chairman Owens and Members of the Committee:

My name is Jim Upgren, Assistant Director in the Office of School Approval and Opportunity with the Department of Public Instruction. I am here on behalf of the department to speak in support of HB 1356.

NDDPI supports the idea of youth patriotic societies such as the Boy Scouts and Girl Scouts being allowed into schools to introduce themselves and promote their organizations to prospective members. Doing so will give the students the opportunity to make an informed choice of whether or not they wish to participate in the organization.

The department also supports the idea that not all learning takes place within the walls of a classroom. For example, another bill, HB 1478 (which NDDPI supports), would allow schools to issue credit for an educational opportunity that takes place outside of the classroom. This could potentially mean that a student could receive school credit for completing an Eagle Scout project, for example. With patriotic societies having the opportunity come to schools to speak to prospective members, along with schools being able to allow projects completed by students as part of those organizations to count for credit, HB 1356 would benefit schools, students, and the patriot societies alike.

NDDPI supports HB 1356, and should amendments be proposed that would add additional patriot society groups to the bill or ask NDDPI to help vet potential patriot society groups under this section, we would be happy to do so.

Chairman Owens and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.



P.O. Box 7128 Bismarck ND 58507-7128 1-800-932-8791 • (701)255-4127 www.ndsba.org

> HB 1356 Testimony of Amy De Kok House Education January 27, 2021

Chairman Owens and members of the House Education Committee, my name is Amy De Kok. I am inhouse Legal Counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to HB 1356.

NDSBA has a number of concerns regarding HB 1356, which requires all public schools to allow a youth patriotic society to have access to students during instructional time and on school premises for purposes of recruitment and providing information. A very similar bill was attempted last session—SB 2299. That bill received a unanimous Do Not Pass recommendation from the Senate Education Committee and failed on the floor of the Senate.

By way of background, there is a federal law, the Boy Scouts of America Equal Access Act (Boy Scouts Act), that applies in this context, but is not nearly as broad or burdensome as the proposed bill. The Boy Scouts Act prohibits any public school that has created a designated open forum or a limited public forum and that receives federal funds from denying equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society, that wishes to meet at the school within that designated open forum or limited public forum. *Title 36 youth group* means a group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21.

In short, the Boy Scouts Act gives the Boy Scouts and other covered groups equal access or a fair opportunity to meet <u>if</u> a public school designates a place for any outside youth or community groups to meet on campus for reasons other than to provide the school's educational program. Any access under the Act must be on terms that are no less favorable than the most favorable terms provided to one or more outside youth or community groups.

For the purpose of the Act, an elementary school or secondary school has a *limited public forum* whenever the school involved grants an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities <u>before or after the hours during which attendance at</u>

the school is compulsory. **Designated open forum** means that a school designates a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, <u>including during</u> the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.

It's important to consider HB 1356 in light of the Act. HB 1356 essentially requires a public school to create a designated open forum (which is broader than a limited public forum) as defined above. This in turn would require the school to provide the same access to this designated open forum to all other community groups. This would also likely include the same access to students during instructional time as the youth patriotic society groups would get under the bill. HB 1356 removes the individual district's choice of whether to create a designated open forum or limited public forum. In addition, if a designated open forum exists, schools have very limited ability to control the content of speech. HB 1356 may allow for unfettered access to students in terms of content and cause disruption during educational time. Some of our districts have run into this issue already, and have spent significant time researching and adopting policies with extensive legal guidance.

Additionally, HB 1356 is unnecessary as the Boy Scouts Act already includes a requirement to allow access under certain circumstances, but still allows the school to choose whether to create a designated open forum or limited public forum in the first place. We believe this ability to choose is absolutely essential. While many of the organizations that would be included in this legislation have noble causes, the idea that a district would be unable to control access to students during instructional time is ludicrous.

Finally, over the past year, our schools have significantly reduced access to their buildings by the public in order to protect students and staff from the spread of COVID-19. Many schools have just recently returned students to full-time in-person instruction, while others are still in hybrid instruction. A few are still providing education by distance learning. Regardless of their instruction delivery model, most school still have in place significant restrictions on public access during and outside of school hours. The pandemic is ongoing and we are not yet sure what the next year will bring. Passing a law that would essentially open the schoolhouse doors to unfettered access by outside groups is not appropriate at this time.

For all of these reasons, NDSBA stands in opposition to HB 1356, and we urge a DO NOT PASS recommendation. Thank you for your time and I would be happy to stand for any questions.

Honorable Representatives of the House Education Committee,

I respectfully submit this letter in opposition to HB 1356 on behalf of Fargo Public Schools Board of Education and as the Chief Executive Officer of Boys & Girls Clubs of the Red River Valley – one of the very organizations this bill benefits.

It is apparent to engaged observers that HB 1356 is an attempt to resurrect failed SB 2299 from the last legislative session – please refer to comparison table below. It is commonly known both bills are an attempt by one organization, albeit an excellent one that I admire and have partnered with, that is experiencing ongoing membership recruiting and retention difficulties.

HB 1356 alters NDCC to require every public school in North Dakota to allow, during the first quarter of each academic year, a narrow segment of youth-serving organizations' exclusive access to students for recruiting purposes while interrupting instructional time to benefit "patriotic societies" as defined under title 36, United States Code, subtitle II, part b, as of January 1, 2021: <a href="https://www.law.cornell.edu/uscode/text/36/subtitle-II/part-B">https://www.law.cornell.edu/uscode/text/36/subtitle-II/part-B</a>

The organizations identified as patriotic societies within HB 1356 are indeed established and respectable youth- serving organizations with positive missions. This list includes Boys & Girls Clubs of America, founded 1860; Boys Scouts of America, founded 1910; Girls Scouts of the United States of America, founded 1912; Little League Baseball, founded 1950; etc.

I further respectfully submit North Dakota Century Code should not be exploited to revive and maintain certain organizations' membership, regardless of historically-reputable programming. These organizations already have access to recruit via other channels (as most others successfully do) including back-to-school nights, word of mouth, and through internal and external paid advertisements (such as *ADVentures for Kids* and *ADVentures for Teens* in Fargo Public Schools).

HB 1356 creates an unfair recruiting advantage over other, also reputable and productive youth organizations not listed in United State Code, and will expose our State and school districts to legal challenges. To that point, *equal access to FPS students for recruiting purposes was challenged by another national youth-oriented organization in 2015* that leveraged a national non-profit advocacy legal firm that ultimately resulted in FPS Administrative Policy 4512, but only after spending several thousands of dollars and staff time that could have been directed toward educating students:

https://www.fargo.k12.nd.us/cms/lib/ND01911460/Centricity/domain/53/policies/instruction/AP%204512%20Non-Curriculum%20Clubs.pdf

As mentioned above, I serve as the CEO of a local Boys & Girls Clubs chartered organization that operates youth programming in 13 facilities in Fargo. HB 1356 could most certainly benefit my organization, yet I still oppose this bill's approach due to its misdirected effort to benefit one organization that may be experiencing difficulty in recruiting and retaining membership.

| 67 <sup>th</sup> Legislative Session, 2021                | 66 <sup>th</sup> Legislative Session, 2019             |
|---|--|
| HB 1356 https://www.legis.nd.gov/assembly/67-             | Failed SB 2299   |
| 2021/documents/21-0460-01000.pdf                          | https://www.legis.nd.gov/assembly/66-                  |
|   | 2019/documents/19-0590-01000.pdf                       |
| "Representatives of a youth patriotic society must be     |  |
| allowed to speak to students during regular school        | "The principal of a public school shall allow a        |
| hours at each public school in the state during the first | representative of a patriotic society, during regular  |
| quarter of each academic school year to inform the        | school hours and on school premises, to present        |
| students about the society and to explain how             | information and recruit students to participate in the |
| students may participate in or join the society."         | patriotic society"                                     |
| students may participate in or join the society.          |  |

Thank you for your serious consideration of altering a section of North Dakota Century Code that will result in exclusionary access to student instructional time, and will knowingly expose us to legal challenges if HB 1356 were passed.

Robin Nelson, District 41 <u>nelsonr@fargo.k12.nd.us</u> | <u>Robin@bgcrrv.org</u> 701-238-1188



#3587

#### 1 HB 1356 – Relating to a youth patriotic society's access to students during school hours.

#### 2 January 27, 2021

Chairman Owens and members of the House Education Committee. Thank you for the opportunity 3

to testify on this HB 1356. I am Dr. Russ Ziegler, assistant director for the North Dakota Council 4

of Educational Leaders. I am here today to testify in opposition to HB 1356. 5

Educational Leaders believe that the decision of who can come to the school and speak to student 6 should be up to the school and should be governed by local school board policy. HB 1356 takes 7 that ability away from the principal, superintendent, and school board. We feel that HB 1356 is 8 well intended in that it would allow students to hear from Patriotic Societies, but we feel that the 9 10 language of the bill could ultimately have a negative effect on the school, and students by potentially putting a school into a forced decision that would put them in direct violation of the 11 Equal Access Act. We are consistently advised that if we let one organization in then we have to 12 let any in. The Equal Access Act is a United States federal law passed in 1984 to compel federally 13 14 funded secondary schools to provide equal access to extracurricular student clubs. I've attached

a copy of the US Department of Education guidelines. In those guidelines it is very clear: 15

- All schools who receive any sort of federal funds we fall under the provisions. 16 •
- If a school allows at least one non-curriculum related student group to meet on school 17 premises during non-instructional time, it must allow that same access to any other 18 19 similarly situated group.
- Access refers not only to physical meeting spaces, but also recognition and privileges 20 afforded to other groups including - the right to announce club meetings over the public-21 address system, in the school paper – or in the case of this bill during regular school hours. 22
- Note: definition of non-instructional is "time set aside by the school before actual 23 classroom instruction begins or after actual instruction ends" by this definition, the time 24 25 allowed for patriotic societies becomes non-instructional time.

A part of the role of a school is to protect instructional time. Schools have locally established 26 policies about groups coming in outside of instructional time and offer equal access rights to such 27 groups on the basis of their local policy. Allowing this in-road into the regular school day and 28 29 ultimately instructional time has the potential to erode the overall instructional obligation of the 30 district.

- This bill would require a school to allow an individual to come and present and recruit students 31
- 32 during school hours. The bill specifically states "Patriotic Societies" but it is our concern that if
- you HAVE to allow for these organizations then the school would also HAVE to allow for other 33



- organizations, and some may not be what the community and parents want. I have attached a
- 35 sheet from Cornell Law School that lists the organizations that are listed under title 36, United
- 36 States Code, subtitle II, part b. There are 89 organizations that are under Patriotic Societies –
- everything from the Boy Scouts to the National Film Preservation Foundation. I do know that the
- intent of the bill if for Boy Scouts and Girl Scouts, but the Equal Access Act does not allow for
- 39 the picking and choosing of organizations. This bill would require a school to let any of those
- 40 organization present and recruit the students at the school.
- This bill also does not state if a student **must attend** the presentation and recruitment. What
- 42 about students whose religious or cultural believes do not coincide with these organizations? Are
- they forced to attend? According to the bill they would be. The bill also does not specify if
- 44 parents need to be notified, which raises the question as to whether parents should have the
- 45 ultimate say as to who could be recruiting their child and for what reasons.
- 46 Schools have a lot to do in the limited amount of time they are with the students. It is the belief
- of our school leaders that the school needs to have the ability to decide what is presented and
- 48 how to the students.
- 49 Because of this we respectfully request a Do Not Pass on HB 1356.

### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

#### SHORT TITLE

Pub. L. 98-377, title VI, 601, Aug. 11, 1984, 98 Stat. 1295, which provided that title VI of Pub. L. 98-377 was to be cited as the "Excellence in Education Act", was repealed by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

### SUBCHAPTER VII—MAGNET SCHOOLS ASSISTANCE

### §§ 4051 to 4062. Repealed. Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4051, Pub. L. 98-377, title VII, §701, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99-159, title II, §261, Nov. 22, 1985, 99 Stat. 901, related to authorization of appropriations.

Section 4052, Pub. L. 98-377, title VII, §702, Aug. 11, 1984, 98 Stat. 1299, related to eligibility requirements.

Section 4053, Pub. L. 98-377, title VII, §703, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99-159, title II, §262, Nov. 22, 1985, 99 Stat. 901, related to statement of purpose.

Section 4054, Pub. L. 98-377, title VII, §704, Aug. 11, 1984, 98 Stat. 1299, related to program authorization.

Section 4055, Pub. L. 98-377, title VII, §705, Aug. 11, 1984, 98 Stat. 1300, defined term "magnet school".

Section 4056, Pub. L. 98-377, title VII, §706, Aug. 11, 1984, 98 Stat. 1300; Pub. L. 99-159, title II, §263, Nov. 22,

1985, 99 Stat. 902, related to uses of funds. Section 4057, Pub. L. 98-377, title VII, §707, Aug. 11, 1984, 98 Stat. 1300, related to applications and requirements.

Section 4058, Pub. L. 98-377, title VII, §708, Aug. 11, 1984, 98 Stat. 1301, related to special considerations in approving applications.

Section 4059, Pub. L. 98-377, title VII, §709, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 99-159, title II, §264, Nov. 22, 1985, 99 Stat. 902, related to prohibitions on use of grants.

Section 4060, Pub. L. 98-377, title VII, §710, Aug. 11, 1984, 98 Stat. 1301, related to limitation on payments. Section 4061, Pub. L. 98-377, title VII, §711, Aug. 11,

Section 4061, Pub. L. 98-377, title VII, §711, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 98-558, title VII, §702, Oct. 30, 1964, 99 Stat. 2000, related to reuments

1984, 98 Stat. 2900, related to payments.
Section 4062, Pub. L. 98-377, title VII, §712, Aug. 11, 1984, 98 Stat. 1302, related to withholding.

For similar provisions, see section 7201 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

### SUBCHAPTER VIII-EQUAL ACCESS

### §4071. Denial of equal access prohibited

### (a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

### (b) "Limited open forum" defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

### (c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

# (d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for studentinitiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students

which are not of a specified numerical size; or (7) to abridge the constitutional rights of any person.

# (e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

### (f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(Pub. L. 98-377, title VIII, §802, Aug. 11, 1984, 98 Stat. 1302.)

#### SHORT TITLE

Section 801 of title VIII of Pub. L. 98-377 provided that: "This title [enacting this subchapter] may be cited as "The Equal Access Act'."

### §4072. Definitions

As used in this subchapter—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(Pub. L. 98-377, title VIII, §803, Aug. 11, 1984, 98 Stat. 1303.)

### §4073. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the subchapter and the application to other persons or circumstances shall not be affected thereby.

(Pub. L. 98-377, title VIII, §804, Aug. 11, 1984, 98 Stat. 1304.)

### §4074. Construction

The provisions of this subchapter shall supersede all other provisions of Federal law that are inconsistent with the provisions of this subchapter.

(Pub. L. 98-377, title VIII, §805, Aug. 11, 1984, 98 Stat. 1304.)

### SUBCHAPTER IX—STAR SCHOOLS PROGRAM

### §§ 4081 to 4086. Repealed. Pub. L. 103–382, title III, § 364, Oct. 20, 1994, 108 Stat. 3975

Section 4081, Pub. L. 98-377, title IX, §902, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §301, Aug. 17, 1991, 105 Stat. 499, related to purpose of star schools program.

Section 4082, Pub. L. 98-377, title IX, §903, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §302, Aug. 17, 1991, 105 Stat. 499, authorized grants for telecommunications facilities and equipment, instructional programming, and technical assistance.

Section 4083, Pub. L. 98-377, title IX, §904, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §303, Aug. 17, 1991, 105 Stat. 500, related to eligibility of telecommunications partnerships for grants.

Section 4084, Pub. L. 98-377, title IX, §905, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §304, Aug. 17, 1991, 105 Stat. 501, related to applications for grants.

Section 4085, Pub. L. 98-377, title IX, §906, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 323, related to dissemination of courses and materials under star schools program.

Section 4085a, Pub. L. 98-377, title IX, §907, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 502, related to continuing eligibility for grants. Section 4085b, Pub. L. 98-377, title IX, §908, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 503; amended Pub. L. 103-227, title IX, §961, Mar. 31, 1994, 108 Stat. 263, required independent evaluation of the star schools program.

Section 4085c, Pub. L. 98-377, title IX, §909, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized assistance for acquiring satellite time.

Section 4085d, Pub. L. 98-377, title IX, §910, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized grants for dissemination and technical assistance to State and local educational agencies.

Section 4086, Pub. L. 98-377, title IX, §911, formerly §907, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 324; amended Pub. L. 102-73, title VIII, §802(c), July 25, 1991, 105 Stat. 361; renumbered §911, Pub. L. 102-103, title III, §305(1), Aug. 17, 1991, 105 Stat. 502, defined terms used in this subchapter.

For similar provisions, see section 6891 et seq. of this title.

### SHORT TITLE

Section 901 of title IX of Pub. L. 98–377, as added by Pub. L. 100–297, title II,  $\S2302$ , Apr. 28, 1988, 102 Stat. 320, provided that title IX of Pub. L. 98–377 [enacting this subchapter] could be cited as the "Star Schools Program Assistance Act", prior to repeal by Pub. L. 103–382, title III,  $\S364$ , Oct. 20, 1994, 108 Stat. 3975.

### CHAPTER 53—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

### §§ 4101 to 4108. Repealed. Pub. L. 100-297, title I, § 1003(c), Apr. 28, 1988, 102 Stat. 293

Section 4101, Pub. L. 98-511, title VI, §602, Oct. 19, 1984, 98 Stat. 2401; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to definitions for chapter.

Section 4102, Pub. L. 98-511, title VI, §603, Oct. 19, 1984, 98 Stat. 2401, related to authorization and allocation of appropriations.

Section 4103, Pub. L. 98-511, title VI, §604, Oct. 19, 1984, 98 Stat. 2402, related to State administrative costs.

Section 4104, Pub. L. 98-511, title VI, §605, Oct. 19, 1984, 98 Stat. 2402, related to withholding.

Section 4105, Pub. L. 98-511, title VI, §606, Oct. 19, 1984, 98 Stat. 2402, related to State entitlements.

Section 4106, Pub. L. 98-511, title VI, §607, Oct. 19, 1984, 98 Stat. 2403, related to uses of funds.

Section 4107, Pub. L. 98-511, title VI, §608, Oct. 19, 1984, 98 Stat. 2404, related to applications.

Section 4108, Pub. L. 98-511, title VI, §609, Oct. 19, 1984, 98 Stat. 2405, related to payments.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

#### SHORT TITLE

Pub. L. 98-511, title VI, §601, Oct. 19, 1984, 98 Stat. 2401, provided that title VI of Pub. L. 98-511 was to be cited as the "Emergency Immigrant Education Act of 1984", prior to repeal by Pub. L. 100-297, title I, §1003(c), Apr. 28, 1988, 102 Stat. 293.

### CHAPTER 54—LEADERSHIP IN EDUCATIONAL ADMINISTRATION

### §§ 4201 to 4206. Repealed. Pub. L. 99–498, title V, § 501(b), Oct. 17, 1986, 100 Stat. 1514

Section 4201, Pub. L. 98-558, title IX, §901, Oct. 30, 1984, 98 Stat. 2902, provided for citation of chapter as "Leadership on Educational Administration Development Act of 1984" and contained statement of purpose and declaration of Congressional intent in enacting chapter.

# 36 U.S. Code Part B— Organizations

U.S. Code Notes

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CHAPTER 202—AIR FORCE SERGEANTS ASSOCIATION (§§ 20201 – 20212)

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21.0460.01001 Title.

January 25, 2021

# PROPOSED AMENDMENTS TO HOUSE BILL NO. 1356

- Page 1, line 9, after "2021" insert ", or other youth organizations as determined by the superintendent of public instruction"
- Page 1, line 10, replace "<u>Representatives</u>" with "<u>The board of a school district shall adopt a</u> <u>policy to allow representatives</u>"
- Page 1, line 10, remove "must be allowed"
- Page 1, line 11, after "hours" insert "and on school premises"
- Page 1, line 13, replace "<u>The</u>" with "<u>Before a representative of a youth patriotic society may</u> <u>speak with students at a public school, the representative of the</u>"
- Page 1, after line 16, insert:
  - "3. The policy adopted under subsection 2:
    - a. May allow a patriotic society to use school premises to allow students to participate in activities provided by the patriotic society at a time other than during regular school hours; and
    - b. <u>Must include criteria, methods, and procedures that youth patriotic</u> <u>societies must adhere to when presenting information and recruiting</u> <u>students to participate in the youth patriotic society.</u>"

Renumber accordingly

Sixty-seventh Legislative Assembly of North Dakota

# HOUSE BILL NO. 1356

# Introduced by

Representatives Meier, Heinert, D. Johnson, K. Koppelman, D. Ruby, Steiner Senators Bekkedahl, Dever, Krebsbach, Wardner

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
- 2 Century Code, relating to a youth patriotic society's access to students during school hours.

#### 3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1. A new section to chapter 15.1-06 of the North Dakota Century Code is created

5 and enacted as follows:

### 6 Patriotic society - Permission to speak to students at public schools.

| 7  | <u>1.</u> | For purposes of this section, "youth patriotic society" means a youth group that          |
|----|-----------|---|
| 8  |           | promotes patriotism, civic education, and civic involvement, listed under title 36,       |
| 9  |           | United States Code, subtitle II, part b, as of January 1, 2021, or other youth            |
| 10 |           | organizations as determined by the superintendent of public instruction.                  |
| 11 | <u>2.</u> | Representatives The board of a school district shall adopt a policy to allow              |
| 12 |           | representatives of a youth patriotic society must be allowed to speak to students         |
| 13 |           | during regular school hours and on school premises at each public school in the state     |
| 14 |           | during the first quarter of each academic school year to inform the students about the    |
| 15 |           | society and to explain how students may participate in or join the society. TheBefore a   |
| 16 |           | representative of a youth patriotic society may speak with students at a public school,   |
| 17 |           | the representative of the youth patriotic society shall provide the school principal with |
| 18 |           | notice of the society's intent to speak to the students. A school principal may designate |
| 19 |           | the time, place, and manner in which representatives of a youth patriotic society are     |
| 20 |           | allowed to speak to students.   |
| 21 | 3.        | The policy adopted under subsection 2:  |
| 22 |           | a. May allow a patriotic society to use school premises to allow students to              |
| 23 |           | participate in activities provided by the patriotic society at a time other than during   |
| 24 |           | regular school hours; and   |

Sixty-seventh Legislative Assembly

| 1 | 1b. Must include     | ecriteria, methods, and procedures that youth patriotic societies must |
|---|----------------------|--|
| 2 | 2 <u>adhere to w</u> | nen presenting information and recruiting students to participate in   |
| 3 | 3 the youth pa       | triotic society.   |

The Honorable Members of the House Education Sub Committee North Dakota House of Representatives

# Re: Support for HB 1356

Dear Representatives,

I am writing to urge your positive support of House Bill 1356, which allows very specifically defined, patriotic societies, such as Boy Scouts of America and the Girls Scouts of the USA, to speak to students during regular school hours at each public school during the first quarter of each academic school year to explain how students may participate or join. The building principals would still dictate the time, place, and manner of the presentation.

These organizations complement the educational goals of our state and school districts. I have attached a document that shows the comparison of what the Cub Scout program of the Boy Scotus of America does to support the 40 Developmental Assets used by the state as a model of positive youth outcomes.

I am an Eagle Scout as well as three Scouts. I know first-hand the added value that Scouting brings to the young women and young men who join either the Boy Scouts of America or Girl Scouts USA.

My life was changed because of Scouting as was my entire family. It has helped immensely as we have moved across the country, we have been able to transfer to local Scouting groups and my children have immediately had new friends in Scouting. I, unfortunately, have run into others who moved that just figured that because they did not see Scouts at the school that there was not a group they could transfer to. It is this simple community awareness that I believe this bill fixes. Many families simply are just not aware that it was an option to join some of these groups like the Boy Scouts or Girl Scouts because they did not know they existed in their school community.

I hope that you will look favorably on HB 1356. I believe that the future of our community and organizations depend on it.

Sincerely,

Rob Gilkerson <u>robgilkerson@gmail.com</u> 1911 Burnt Boat Dr., Bismarck, ND 58503 mobile: 701-557-3920


|         |   | External Assets<br>Name and Definition  | How Cub Scouting<br>Helps Build Assets  | Measuring Assets   |
|---------|---|---|---|--|
|         | 1 | Family support – Family life provides high levels of love and support.  | Parents support their child in achieving levels of advancement and awards.  | How often do parents attend den and pack meetings and activities?  |
|         | 2 | <b>Positive family communication</b> – Young person and her/his parent(s) communicate positively and young person is willing to seek advice and counsel from parent(s). | Parents and children work on projects together such as pinewood derby <sup>®</sup> .  | How many parents help their children with advancements outside of the den meetings?  |
|         | 3 | Other adult relationships – Young person receives support from three or more non-<br>parent adults.   | Young person receives support from den leaders, assistant den leader, and Cubmaster.  | How many adults are registered in the pack<br>or den? How many adults volunteer to help<br>with pack/den activities?   |
| SUPPORT | 4 | <b>Caring neighborhood</b> – Young person experiences caring neighbors.   | Neighbors help support boys and girls in<br>scouting through providing food for food<br>drives and purchasing popcorn to support<br>the pack. Boys and girls support the<br>neighborhood through community service<br>projects. | How many items are collected from the<br>neighborhood when conducting service<br>projects? (Can be captured on Good Turn<br>for America project reports.). How many<br>non-registered adults participate in pack<br>service projects? (Can be captured on Good<br>Turn for America project reports.) Does the<br>neighborhood support their local pack<br>through product purchases such as popcorn? |
|         | 5 | <b>Caring school climate</b> – School provides a caring, encouraging environment.   |   |  |
|         | 6 | <b>Parent involvement in schooling</b> –<br>Parent(s) is actively involved in helping<br>young person succeed in school.  |   |  |





|             |    | External Assets<br>Name and Definition   | How Cub Scouting<br>Helps Build Assets   | Measuring Assets                         |
|-------------|----|--|--|--|
|             | 7  | <b>Community values youth</b> – Young person perceives that adults in the community value youth. | Youth members are nurtured by pack leaders<br>and other community members and are<br>presented awards in front these people. | Survey of youth and adults               |
| ERMENT      | 8  | <b>Youth as resources</b> – Young people are given useful roles in the community.                | Youth work on service projects that allow them to see that they are helping the community.                                   | Number of service projects/service hours |
| EMPOWERMENT | 9  | Service to others – Young person<br>serves in the community one hour or<br>more per week.        | Youth are encouraged to participate in community service projects.   | Number of service projects/service hours |
|             | 10 | <b>Safety</b> – Young person feels safe at home, at school, and in the neighborhood.             | Pack and den meetings are held in safe and nurturing environments.   | Survey of youth and parents              |





|                             |    | External Assets<br>Name and Definition  | How Cub Scouting<br>Helps Build Assets  | Measuring Assets   |
|-----------------------------|----|---|---|--|
|                             | 11 | <b>Family boundaries</b> – Family has clear rules and consequences and monitors the young person's whereabouts. | Families are encouraged to talk about<br>personal safety with youth. Parents and<br>leaders set rules for conduct and<br>responsibilities during meetings and provide<br>consequences.  | How many families read the youth protection guidelines with their child? Do dens have written rules of conduct?  |
| IONS                        | 12 | School boundaries – School provides clear rules and consequences.   |   |  |
| BOUNDARIES AND EXPECTATIONS | 13 | <b>Neighborhood boundaries</b> – Neighbors take responsibility for monitoring young people's behavior.          | Packs and dens are composed of<br>neighborhood children and parents. Parents<br>and leaders in dens monitor young people's<br>behavior.   | How many parents attend den and pack<br>meetings? How many parents are registered<br>pack leaders?   |
| RIES AND                    | 11 | <b>Adult role models</b> – Parent(s) and other adults model positive, responsible behavior.                     | Leaders provide positive role models exhibiting the qualities of the Cub Scout Oath.  | Survey of youth satisfaction and support   |
| BOUNDAF                     | 15 | <b>Positive peer influence</b> – Young person's best friends model responsible behavior.                        | Cub Scout advancement teaches boys and<br>girls to work together to achieve goals. The<br>Law of the Pack includes "The Cub Scout<br>gives goodwill," meaning youth provide a<br>friendly and service-oriented attitude to all.     | How many advancements did youth work on as a den?  |
|                             | 16 | <b>High expectations</b> – Parent(s) and teachers encourage the young person to do well.                        | The advancement program provides activities<br>to encourage young people to try things they<br>have never done before and set and achieve<br>goals. Parents and leaders encourage youth<br>to "Do their best," the Cub Scout motto. | How many youth tried something that they<br>have never tried before? How many youth<br>feel positively challenged by their Scouting<br>activities? How many youth agree with the<br>statement that Scouting has taught them to<br>"do their best"? |





|                |    | External Assets<br>Name and Definition   | How Cub Scouting<br>Helps Build Assets   | Measuring Assets   |
|----------------|----|--|--|--|
| ЛЕ             | 17 | <b>Creative activities</b> – Young person spends three or more hours per week in lessons or practice in music, theater, or other arts.     | Arts, crafts, song, and skits are all part of the Cub Scout program.   | Rank advancement completion and arrow<br>points and elective completion; Cub Scout<br>Academics and Sports awards achieved |
| VE USE OF TIME | 18 | <b>Youth Programs</b> – Young person spends three or more hours per week in sports, clubs, or organizations at school or in the community. | Physical fitness activities are a part of the<br>advancement program for Cub Scouts. Boys<br>and girls can also earn belt loops and pins as<br>they learn the basics and master different<br>sports. Youth spend at least one hour per<br>week in a den meeting. | Attendance at meetings and field trips   |
| CONSTRUCTIVE   | 19 | <b>Religious community</b> – Young person spends one or more hours per week in activities in a religious institution.                      | 61 percent of Scouting units are chartered to<br>faith-based organizations. Religious emblems<br>program encourages youth to learn more<br>about their own faith or the faith of others.   | Attendance at den meetings supported by a faith-based organization that operates Scouting units                            |
| S              | 20 | <b>Time at home</b> – Young person is out<br>with friends "with nothing special to do,"<br>two or fewer nights per week.                   | The Cub Scout program provides structure and activities to keep youth from having "nothing to do." They can work on advancements, electives, belt loops and pins.  | Advancement; survey of parents and youth to determine how much alone time youth have                                       |





|                 |    | External Assets<br>Name and Definition   | How Cub Scouting<br>Helps Build Assets   | Measuring Assets   |
|-----------------|----|--|--|--|
|                 | 21 | <b>Achievement motivation</b> – Young person is motivated to do well in school.              | Cub Scouts are encouraged to "do their best"<br>in all areas of their life. Academic belt loops<br>and pins encourage youth to excel in academic<br>areas and acknowledge their efforts.                       | Academic belt loops achieved and self-reporting on a survey    |
| LEARNING        | 22 | <b>School engagement</b> – Young person is actively engaged in learning.                     | Advancements, electives, belt loops and pins<br>all engage youth in hands-on learning.<br>Science, math, language arts, art, social<br>studies and reading are all incorporated into<br>the Cub Scout program. | Completion of rank advancements and self-reporting on a survey |
| COMMITMENT TO L | 23 | <b>Homework</b> – Young person reports doing at least one hour of homework every school day. |  |  |
| COMMIT          | 24 | <b>Bonding to school</b> – Young person cares about her/his school.                          |  |  |
|                 | 25 | <b>Reading for pleasure</b> – Young person reads for pleasure three or more hours per week.  | <i>Boys' Life</i> and Reading Partners are parts of the Cub Scout program that encourages youth to read for pleasure.  |  |





|                 |    | External Assets<br>Name and Definition   | How Cub Scouting<br>Helps Build Assets   | Measuring Assets   |
|-----------------|----|--|--|--|
|                 | 26 | <b>Caring</b> – Young person places high value on helping other people.  | "To help other people at all times" is a part of<br>the Cub Scout Promise. Cub Scouts are<br>encouraged to participate in service projects in<br>their community throughout the year.  | Service hours and service projects as well as "do a good turn daily" |
|                 | 27 | <b>Equality and social justice</b> – Young person places high value on promoting equality and reducing hunger and poverty. | Youth are taught to respect differences. Good<br>Turn for America service projects help the<br>hungry and homeless.  | Service project participation/service hours                          |
| POSITIVE VALUES | 28 | <b>Integrity</b> – Young person acts on convictions and stands up for her/his beliefs.                                     | The Cub Scout program helps boys and girls<br>learn to speak for themselves through<br>character development activities and<br>education.  | Survey of self-reported behaviors                                    |
| POSITIVE        | 29 | <b>Honesty</b> – Young person "tells the truth even when it is not easy."  | Honesty is a basic principle taught through Scouting.  | Survey of self-reported behaviors                                    |
|                 | 30 | <b>Responsibility</b> – Young person accepts and take personal responsibility.   | Youth are taught responsibility through<br>planning and achieving goals. They are also<br>responsible for providing service at den<br>meetings through the Denner and Assistant<br>Denner requirements.                                  | Survey of self-reported behaviors                                    |
|                 | 31 | <b>Restraint</b> – Young person believes it is important not to be sexually active or to use alcohol or other drugs.       | Youth are taught to resist drugs and other<br>substances that would harm their body through<br>advancements and role-playing. <i>Boys' Life</i><br>also provides drug awareness education<br>through its "Drugs: A Deadly Game" program. | Completion of awards based on personal fitness and health            |





|                |    | External Assets<br>Name and Definition  | How Cub Scouting<br>Helps Build Assets   | Measuring Assets   |
|----------------|----|---|--|--|
|                | 32 | <b>Planning and decision making</b> – Young person knows how to plan ahead and make choices.  | Boys and girls help plan events and are given<br>opportunities to make choices. Advancement<br>activities include role-play situations where<br>youth must make choices and learn about<br>consequences. | Survey of self-reported activities and leadership roles                                  |
| ENCIES         | 33 | <b>Interpersonal competence</b> – Young person has empathy, sensitivity, and friendship skills.                                     | The Cub Scout program promotes social interaction among youth. Service projects and activities in the advancement program promote empathy and sensitivity toward others.                                 | Survey of developmental assets   |
| L COMPETENCIES | 34 | <b>Cultural competence</b> – Young person has knowledge of and comfort with people of different cultural/racial/ethnic backgrounds. | Advancements and the heritage belt loop and<br>pin help youth explore their own cultural<br>heritage and learn about other heritages and<br>customs.   | Completion of Heritage belt loop and pin;<br>activities for advancement in each handbook |
| SOCIAL         | 35 | <b>Resistance skills</b> – Young person can resist negative peer pressure and dangerous situations.                                 | Resistance skills are taught through activities, role-playing and modeling activities.   | Survey of self-reported behaviors  |
|                | 36 | <b>Peaceful conflict resolution</b> – Young person seeks to resolve conflict nonviolently.  | Boys and girls are taught how to work with others when they have differences.  | Survey of self-reported behaviors  |





|          |    | External Assets<br>Name and Definition  | How Cub Scouting<br>Helps Build Assets  | Measuring Assets  |
|----------|----|---|---|---|
|          | 37 | <b>Personal power</b> – Young person feels he/she has control over "things that happen to me."      | Youth are taught leadership skills, and they take leadership roles that teach them that they have power. They are also allowed to make decisions.   | Leadership positions in the den; survey of self-reported activities |
| IDENTITY | 38 | <b>Self-esteem</b> – Young person reports having<br>high self-esteem.                               | Boys and girls build self-esteem through setting and achieving advancement goals.   | Survey of self-reported activities                                  |
| POSITIVE | 39 | <b>Sense of purpose</b> – Young person reports that "my life has a purpose."                        | Boys and girls participate in service projects<br>and other pack activities that give them a<br>sense that they are helping the community and<br>that they are important.   | Survey of self-reported activities                                  |
|          | 40 | <b>Positive view of personal future</b> – Young person is optimistic about her/his personal future. | Through helping others youth learn that they<br>can make the world a better place for others<br>and make a better future for themselves. They<br>also learn that they can set and achieve goals<br>that will help them be successful in the future. | Survey of self-reported activities                                  |



#### Testimony on HB 1356 Before the House Education Committee By David Sprynczynatyk January 27, 2021

Good morning Mr. Chairman and members of the House Education Committee. My name is David Sprynczynatyk and I have been involved in the Boy Scout program for more than 40 years. Currently I serve as the immediate past president of the Northern Lights Council and am testifying in support of HB 1356.

House bill 1356 would simply allow school access for youth to learn more about patriotic societies in our state. Boy Scouts and Girl Scouts teach everyone about how our government works, the proper roles of the legislative, executive, and judicial branches, and the rights and duties of citizenship.

Over the years, serving as the head of three state agencies, I have seen the value and benefit of the scouting programs. Young men and women that were involved as scouts were better prepared to serve the state's citizens. In my position as Adjutant General of the North Dakota National Guard, I saw first-hand the value of Scout training as young men and women chose to serve their nation; they were unequivocally better prepared to serve as leaders in our Guard.

I ask you to support HB 1356 and vote a Do Pass.

Thank you.

#### HB 1356 Testimony for the N.D. House Education Committee, Chairman Mark Owens January 1<sup>st</sup>, 2021

Chairman Owens and members of the House Education Committee. My name is Jason Benson and I am testifying in support of House Bill 1356. Besides being a 31-year member of the National Guard with multiple overseas deployments and being a County Engineer, I have also served for more than 14 years as a volunteer leader for the Northern Lights Council, BSA. Growing up in Glenburn<ND I was introduced to Cub Scouts in second grade. When my family moved to Jamestown, I continued my scouting journey, culminating with earning my Eagle Scout badge.

Throughout my time as a Scout, I learned patriotism, leadership, outdoor skills, and the Scouting values of being Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, and Reverent. These are all characteristics we would like to see in our friends, neighbors, and coworkers. These are also the characteristics that we would like to see in our children.

Since 2007 I have served in West Fargo as a Cub Master, Den Leader, Assistant Scout Master, Committee Chair, and District Commissioner for Scout BSA Troops and Cub Scout Packs. As a member of the West Fargo Exchange Club, I also serve as the Exchange Club's representative to Pack 234, the Cub Scout Pack sponsored by the Exchange Club. As a leader and parent of Scouts I have seen the impact of Scouting on our community. The Packs and Troops I've been involved with have volunteered thousands of hours to support services projects in our community, collecting items for the food pantry, fall yard clean up for the elderly, and attending Veteran's Day and Memorial Day services.

These Scout groups also develop youth leaders that are dedicated to our communities, State, and Nation once they leave Scouting. In my Troop alone, we have produced more than 20 Eagle Scouts in the last 12 years. Our Scouts continue to serve in their communities and many have chosen into military service in either active duty or in the National Guard. In these past 12 years our Troop has also graduated officers from the Air Force Academy and Naval Academy and have two Eagle Scouts currently attending the U.S. Military Academy at West Point and the Air Force Academy.

As you can see, Scouts BSA has an outstanding record of developing youth of character with values that support our communities and State. Over the years it has become more challenging to introduce youth to Scouting. One of the major challenges is the lack of contact with the youth of our communities. There was a time when access for Scout leaders to schools was welcomed as Cub Masters would attend back to school nights or do class room visits at the elementary schools to introduce kids to Scouting. Unfortunately, as time has passed, these opportunities have gone away and access to many schools is no longer available. Over the years I've often heard parents or kids say they wished they had heard about Scouting earlier and that maybe they would have joined.

I understand that there are many great youth sports and other youth activities that you may feel are competing with Scouting. But you would be wrong. Scout doesn't compete with other activities; it compliments those activities. Many of our Scouts are active in sports, music, academics, and other school activities. As a Scout leader I encourage our Scouts to be involved in other activities and I understand that it's also teaching Scouts leadership and time management. Again, Scouting doesn't compete, it compliments school sports and activities.

As an Eagle Scout, Scout Leader, and Community Leader, I encourage you to support Scouting and approve HB 1356 to allow patriotic youth organizations access to schools to provide students with information about Scouts BSA and other character building, patriotic youth organizations.

The Honorable Members of the House Education Sub Committee North Dakota House of Representatives State Capitol 600 East Boulevard Bismarck, ND 58505

#### Re: HB 1356

Dear Representatives,

I am writing to urge your positive support of House Bill 1356, which would essentially allow very specifically defined, patriotic societies, such as Boy Scouts and the Girls Scouts, to speak to students during regular school hours at each public school during the first quarter of each academic school year to explain how students may participate or join. The school principal would still dictate the time, place and manner of the presentation. I believe that the successful passage of this bill is important to individuals, families, schools, communities, and the state.

Before covering the specific benefits, I would like to provide some background on recent academic research that underscores the personal and public value of Scouting. In 2015 Dr. Richard Lerner and a team of researchers from Tufts University's (Boston) Center for Applied Positive Youth Development finished a 2<sup>1/2-</sup>year longitudinal study of 1800 Cub Scouts and 400 non-Cub Scouts in the Philadelphia Area. The purpose of the study was to analyze the effects of Scouting. The study was significant, because, 1) it was **not commissioned** by the Boy Scouts of America, and 2) it proved that Scouting indeed builds character.

Study participants were surveyed 5 times in 2 ½ years. Importantly, the first survey conducted in 2012 found *no significant difference* between Scouts and non-Scouts. If the Scouts had entered the program with unusually high character attributes, one could argue that Scouting merely *attracts* better young people, rather than *making* them. Instead, researchers were confident their study began with groups on equal footing. Over the course of the next 2<sup>1/2</sup> years, the scout group began to change in significant ways from the non-scout control group.

First, the Scouts made significant gains in character traits– cheerfulness, kindness, hopefulness, future expectations, trustworthiness, helpfulness, and obedience. Second, the Scouts were more likely than non-scouts to embrace *positive social Values*. For example, when the scout control group was asked "What's most important you?", they were more likely to respond with answers such as "helping others", or "doing the right thing". In contrast, the non-scout control group was more likely to respond with "being smart", "being the best", or "playing sports". Obviously, there is nothing wrong with those answers, but it does suggest that Scouts are more likely than non-scouts to be concerned about others and their community. I reference the Tufts Camp Study because it provides academic support for what we always knew, anecdotally - Scouting builds character and civic responsibility.

It is easy to see how individual students and families would benefit from improving in character attributes such as cheerfulness, kindness, hopefulness, future expectations, trustworthiness, helpfulness, and obedience. However, I

would suggest that schools as well. Regarding Schools, growth in these specific character traits would likely result in less truancy, less disciplinary violations, and better than average academic performance. It would also result in increased participation in extra-curricular activities such as clubs, band, student government, and sports. I have the pleasure of reading every Eagle Scout Application every year. Without exception, In addition to Scouting, these young men and now young women lead in their school clubs, sports teams, band, work and church programs as well. They tend to be honor roll students and have robust plans for their future that include College, the Military, and / or public service. I am confident that the 5000+ young men and young women that make up the Northern Lights Council membership, collectively, make their schools better, not worse.

The community and the State benefit from Scouting as well. For example, in 2019 Scouts in the Northern Lights council delivered 71,735 hours of community service including, but not limited to, collecting, and distributing over 85,000 pounds of food to Community Food banks. In addition, over 133 Eagle Scout Service projects were conducted with a minimum of 8,000 hours of community service alone. This does not include the 1,000's of undocumented service hours freely given by our volunteer leaders and parents. The Independent Sector values volunteer time at \$27.20 per hour. At this rate, our 71,735 hours of community service is valued at \$1,951,192. If this "contribution" were removed from our various communities, we would all feel the loss.

For Scouting to grow, we need to be able to make a brief presentation in schools each year. We are completely mindful of the burden that schools shoulder educating young people. We do not want to detract from that mission in any way. In fact, we support it. And, as I have showed, Scouting involvement reinforces the lessons taught in school. Unfortunately, most of the largest school districts in the state have a standing policy that bars all "non-school" groups from making any kind of presentation. In addition, some schools have even barred distributing recruitment fliers for what they call "non-school" activities. They rely on electronic newsletters or announcements that "fliers are available in the office if anyone wants them." This simply does not work.

The Northern Lights Council's Year end membership has dropped significantly over the past 5 years as schools have systematically barred presentations through policy. For example, our 2015 membership was 9,572. By 2019 it had dropped (-1,856) or 19% to 7,716. The primary factor between 2015 and 2019 was a lack of School Access. To illustrate, our average fall recruitment in 2015 was 1200+ new members. In 2019 it was just under 800. I am not including 2020 numbers because we did not attempt a major recruitment drive due to Covid-19. Regardless, it should be easy to see that lack of school access is hurting Scouting.

As I stated earlier, we are not trying to be a burden on schools. However, we believe that there is a viable "middle ground". We do not believe that a 5-minute presentation at the beginning of the school year would place an undue burden on instructional time. Especially, when the school Principal would rightly control both the "Time" and "Manner" in which the presentations would be conducted. In fact, we are not necessarily asking to be in classrooms as our presentations could be made during previously scheduled non instructional times. Examples include presentations in

cafeterias during lunch or on the tail end of an existing school assembly. We are simply asking for an opportunity to present. I truly hope that you agree.

I am an Eagle Scout and the Father of an Eagle Scout. I know first-hand the added value that Scouting brings to the young women and young men who join either the Boy Scouts of America or Girl Scouts USA. My life was changed because of Scouting as was my son's. I assure you that I read that same sentiment in almost every Eagle Application that I sign. However, I and most of the scouts that I know of, may never have heard about the program without a short presentation that was done during school at the end of an assembly, cafeteria, or 5 minutes in a classroom.

I hope that you will look favorably on HB 1356. I believe that the future of Scouting depends on it. Please feel free to follow up with any questions. My email is <u>richard.mccartney@scouting.org</u>. My cell phone is 701.552.1822.

Sincerely,

Richard E. McCartney Scout Executive



**DOES SCOUTING WORK?** 

We all know Scouting's goal is to prepare young people for life, but does it work?

#3137

Scouting was put to the test over the course of three years, when a research team from Tufts University worked with the Boy Scouts of America's Cradle of Liberty Council to measure the character attributes of both Scouts and non-Scouts — all with a goal of better understanding the character development of youth as it was happening. The project, which was funded by the John Templeton Foundation and led by Dr. Richard M. Lerner, surveyed nearly 1,800 Cub Scouts and nearly 400 non-Scouts under age 12 using both interviews and survey data. **In the beginning, there were no significant differences in character attributes between the two groups. By the end, however, the differences were striking in several areas:** 

# BULLDS



2,000+ Scouts and non-Scouts aged 6-12 from across the Philadelphia area were measured in 6 key areas:









## **KEY FINDINGS:**



The **more time** kids spend in Scouting, the **better the outcomes** in character development

Those who attend meetings regularly report higher outcomes virtually across the board when compared to Scouts with lower attendance



Scouts are more likely to embrace **positive social values** than non-Scouts

Scouts who are **more engaged** in the program report higher outcomes in nearly every category

With fun and discovery at every turn, Scouting makes the most of right now. But what's more, it builds positive character and provides young people a foundation they can stand on to embrace opportunity, overcome obstacles, and make new discoveries.

## SCOUTING WORKS.

Dear Committee Members;

I would like to voice my support of HB 1356 as this would help scouting in its recruiting efforts. I believe that scouting offers much to our youth in the form of patriotism, citizenship, and civic education. This bill would help insure that kids are hearing about scouting and that scouting can be a way to spend spare time with friends and family. Support scouting by supporting this bill.

Yours in Scouting,

**Brant Cartwright** 

#### 2021 HOUSE STANDING COMMITTEE MINUTES

#### **Education Committee**

Coteau AB Room, State Capitol

HB 1356 2/8/2021

#### Relating to youth patriotic society's access to students during school hours

**Chairman Owens** opened the meeting on HB 1356 at 10:39 AM. Roll call: Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present.

#### **Discussion Topics:**

• Committee Work

Rep. Pyle introduced amendment 21.0460.01001, #3853

**Rep. M. Johnson** made a motion to move the amendment 21.0460.01001, seconded by **Rep. Guggisberg**. **Voice Vote. Amendment failed**.

Rep. Heinert made a motion for a Do Pass, seconded by Rep. Marschall.

| Roll | call | vote: |
|------|------|-------|
|      |      |       |

| Representatives                       | Vote |
|---------------------------------------|------|
| Representative Mark S. Owens          | Y    |
| Representative Cynthia Schreiber-Beck | N    |
| Representative Ron Guggisberg         | N    |
| Representative LaurieBeth Hager       | N    |
| Representative Pat D. Heinert         | Y    |
| Representative Jeff A. Hoverson       | N    |
| Representative Dennis Johnson         | Y    |
| Representative Mary Johnson           | N    |
| Representative Donald Longmuir        | Y    |
| Representative Andrew Marschall       | Y    |
| Representative Brandy Pyle            | Y    |
| Representative David Richter          | N    |
| Representative Luke Simons            | Y    |
| Representative Denton Zubke           | Y    |

Motion carried 8-6-0 Rep. Heinert is the carrier

Chairman Owens closed the meeting on HB 1356 at 10:53 AM

Bev Monroe, Committee Clerk

21.0460.01001 Title.

January 25, 2021

#### PROPOSED AMENDMENTS TO HOUSE BILL NO. 1356

- Page 1, line 9, after "2021" insert ", or other youth organizations as determined by the superintendent of public instruction"
- Page 1, line 10, replace "<u>Representatives</u>" with "<u>The board of a school district shall adopt a</u> <u>policy to allow representatives</u>"
- Page 1, line 10, remove "must be allowed"
- Page 1, line 11, after "hours" insert "and on school premises"
- Page 1, line 13, replace "<u>The</u>" with "<u>Before a representative of a youth patriotic society may</u> <u>speak with students at a public school, the representative of the</u>"
- Page 1, after line 16, insert:
  - "3. The policy adopted under subsection 2:
    - a. May allow a patriotic society to use school premises to allow students to participate in activities provided by the patriotic society at a time other than during regular school hours; and
    - b. <u>Must include criteria, methods, and procedures that youth patriotic</u> <u>societies must adhere to when presenting information and recruiting</u> <u>students to participate in the youth patriotic society.</u>"

Renumber accordingly

REPORT OF STANDING COMMITTEE HB 1356: Education Committee (Rep. Owens, Chairman) recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Eleventh order on the calendar.

21.0460.01001 Title.

January 25, 2021

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- Page 1, line 9, after "2021" insert ", or other youth organizations as determined by the superintendent of public instruction"
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    - a. May allow a patriotic society to use school premises to allow students to participate in activities provided by the patriotic society at a time other than during regular school hours; and
    - b. <u>Must include criteria, methods, and procedures that youth patriotic</u> <u>societies must adhere to when presenting information and recruiting</u> <u>students to participate in the youth patriotic society.</u>"

Renumber accordingly

Sixty-seventh Legislative Assembly of North Dakota

#### HOUSE BILL NO. 1356

#### Introduced by

Representatives Meier, Heinert, D. Johnson, K. Koppelman, D. Ruby, Steiner Senators Bekkedahl, Dever, Krebsbach, Wardner

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
- 2 Century Code, relating to a youth patriotic society's access to students during school hours.

#### 3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1. A new section to chapter 15.1-06 of the North Dakota Century Code is created

5 and enacted as follows:

#### 6 Patriotic society - Permission to speak to students at public schools.

| 7  | <u>1.</u> | For purposes of this section, "youth patriotic society" means a youth group that          |
|----|-----------|---|
| 8  |           | promotes patriotism, civic education, and civic involvement, listed under title 36,       |
| 9  |           | United States Code, subtitle II, part b, as of January 1, 2021, or other youth            |
| 10 |           | organizations as determined by the superintendent of public instruction.                  |
| 11 | <u>2.</u> | Representatives The board of a school district shall adopt a policy to allow              |
| 12 |           | representatives of a youth patriotic society must be allowed to speak to students         |
| 13 |           | during regular school hours and on school premises at each public school in the state     |
| 14 |           | during the first quarter of each academic school year to inform the students about the    |
| 15 |           | society and to explain how students may participate in or join the society. TheBefore a   |
| 16 |           | representative of a youth patriotic society may speak with students at a public school,   |
| 17 |           | the representative of the youth patriotic society shall provide the school principal with |
| 18 |           | notice of the society's intent to speak to the students. A school principal may designate |
| 19 |           | the time, place, and manner in which representatives of a youth patriotic society are     |
| 20 |           | allowed to speak to students.   |
| 21 | 3.        | The policy adopted under subsection 2:  |
| 22 |           | a. May allow a patriotic society to use school premises to allow students to              |
| 23 |           | participate in activities provided by the patriotic society at a time other than during   |
| 24 |           | regular school hours; and   |

Sixty-seventh Legislative Assembly

| 1 | 1b. Must include criteria, methods, and procedures that youth patri    | otic societies must |
|---|--|---------------------|
| 2 | 2 <u>adhere to when presenting information and recruiting students</u> | to participate in   |
| 3 | 3 the youth patriotic society.   |                     |

#### **2021 SENATE EDUCATION**

HB 1356

#### 2021 SENATE STANDING COMMITTEE MINUTES

**Education Committee** 

Room JW216, State Capitol

HB 1356 3/24/2021

#### A BILL relating to a youth patriotic society's access to students during school hours.

Chair Schaible opened the hearing at 9:00 AM.

#### **Discussion Topics:**

- Patriotism
- Role models
- Friendships
- Civic education and projects
- Academic achievement

| Senator           | Attendance |
|-------------------|------------|
| Chairman Schaible | Р          |
| Senator Elkin     | Р          |
| Senator Conley    | Р          |
| Senator Lemm      | Р          |
| Senator Oban      | Р          |
| Senator Wobbema   | Р          |

Rep Lisa Meier – Dist 32 introduced the bill #10625 Rep Pat Heinert, Dist 32 testified in support #10627 Sen Dick Dever, Dist 32 testified in support Dale Sandstrom – former judge – testified in support #10626 Wayne Stenhjem- Att General – testified as self in support #10629 Wendy Lewis – Regional Dir – Girls Scouts-testified in support #10628 Cooper Mikkelson – Boy Scout member testified in support. Margaret Huettl – Eagle Scout, Minot – testified via Zoom in support #10346 David Spryncznatyk – former Nat'l Guard AJ General – testified in support #10604 Jim Upgren – DPI – testified in support #10373 Tina Anderson – Troop 123 parent and leader- testified in support. Chuck Erling – Bismarck, Troop 123 – leader – testified in support. Amy De Kok – ND School Boards – testified opposed #10615, #10614 Dr Aimee Copas – Ex Dir NDCEL – testified opposed #10609, #10610 Mike Heilman – Small Schools Organization – testified neutral

Additional written testimony:

Doug Sharbobo – support #10607 Richard McCartney – support #10352

Adjourned at 10:27 AM

Lynn Wolf, Committee Clerk

#### HB 1356

Good Morning Mr. Chairman and members of the Senate Education Committee.

For the record my name is Rep. Lisa Meier of District 32 in Bismarck.

House Bill 1356 would allow an adult of a youth patriotic society once in the fall of the year with notification to the principal of a school, to gain permission of time and place to speak to students for a few minutes about involvement in their organization.

The only organization that would apply to this section in code in the bill, is the Boy Scouts and the Girl Scouts in North Dakota.

There is a need for more patriotism and more civics.

Article 8, Section 1, of our North Dakota Constitution calls for the establishment of a high degree of patriotism for our students.

Scouting teaches:

- Knowledge of how our system of government works.
- The difference between state, federal and local government.
- The proper roles of the legislative, executive, and judicial branches.
- The rights and duties of citizens.

Unfortunately, schools in North Dakota are denying Scouting the opportunity to make these brief presentations to engage our youth. We as a State now pay for 60% to 70% of education costs for public education to Districts in the state.

The proposed bill parallels, but, is even more narrow than a bill that was adopted by the 2019 South Dakota Legislature. Their bill has worked very well for them.

I've been involved in Scouting for twenty some years now and have personally seen so many positive outcomes in our youth.

This bill will help promote patriotism and civic education for our youth.

As Benjamin Franklin said. "By failing to prepare, you are preparing to fail."

Thank you!

### REP PAT HERVEREN

House Bill 1356

Good Morning:

I am proud to be here today to discuss HB 1356, a bill to allow Boy & Girl Scout organizations to come into our schools and present to our youth a program that will benefit them for the rest of their lives. I know the age bracket that would be receiving this presentation will not totally understand that scouting will be good for them for the rest of their lives, but someday they will appreciate becoming a scout.

HB 1356 will allow Boy & Girl Scouts officials into the school building to make a presentation about scouting. This will occur once a year and in the first quarter of the school year. The day and time must be established in cooperation with the school principle in advance. The scouts designated official will be provided a time during the school day for the presentation.

Scouting officials have said that the presentation will take about ten to fifteen minutes.

The presentations are designed for the early grades of school.

Scouting provides our youth with skills like leadership, goal setting, time management, project management and the ability to earn up to 150 merit badges.

Just this past weekend I ran into a former employee and his young family. Their daughter is in girl scouts and recently sold a ton of cookies. The parents made the young lady write thank you notes to the many people who bought from her (another learning experience). The parents told me that they are so happy that the school they attend had information about scouting. They said that their daughter has gained so much confidence and has made such good friends in scouts that they are just amazed.

As a Life Scout and member of the Order of the Arrow, I urge your support for this beneficial program for our youth.

Thank You.

#10626

#### HB 1356 — Testimony of Dale Sandstrom Senate Education Committee - March 24, 2021

Good morning Mr. Chairman and members of the Senate Education Committee. I am Dale Sandstrom, appearing on my own behalf and on behalf of the Northern Lights Council of the Boy Scouts of America. It is always a privilege to return to our State Capitol where I was privileged to serve in public office for more than four decades, more that a third of a century in elective statewide public office—nearly a decade on the Public Service Commission and 24 years on the Supreme Court.

Throughout my career I have sought, in many ways, to promote civic education including understanding of our constitutional system of government. Some of those ways include our program of taking the Courts to the Schools, the Justices Teaching Institute, the state We the People competition testing high school students' knowledge of the Constitution. One of the most important ways I have sought to promote civic education and patriotic good citizenship is through Scouting, a program in which I have been continuously engaged in for more than 60 years, ever since someone came to our school and told us about the opportunity to be involved.

Scouting has a citizenship, civic education component at every level, and I've served Scouting at virtually every level, from den leader to the National Council. In recent years I've focused on serving as a counselor for the Citizenship merit badges and the Law merit badge, and hosting the annual Boy Scout Report to the State/Governor. When the Boy Scouts celebrated their 100<sup>th</sup> Anniversary, we held the Scouting Centennial Celebration at the Capitol with more than 3,000 Scouts and leaders from around state camping here on the Capitol grounds. They toured the Capitol, participated in mock legislative sessions debating a texting-and-driving bill, and heard mock arguments before the full Supreme Court on a school-backpack-search case. Two years later, for the Girl Scouts' centennial we did it again, with more than

1,200 Scouts and their leaders. That time when one of our justices could not be present, we invited the Chief Tribal Judge from Standing Rock, himself and an Eagle Scout, to sit with us.

In December, I heard U.S. Supreme Court Justice Neil Gorsuch on public television. He said that studies show that only one-third of Americans know that there are three branches of government.

There is a huge need for more patriotism, more civic education:

- knowledge of how our system of government works

- the difference between state and federal and local government

- the proper roles of the legislative, executive, and judicial branches

- the rights and the duties of citizenship.

Boy Scouts and Girl Scouts teach all of these things. Young people benefit from Scouting's teaching of patriotism, civics, and the duties and responsibilities of citizenship, as well the rights. Scouting instills in young people morals and values, and skills of self-reliance that equip them to make ethical decisions for a lifetime.

To do these things, Scouting needs to reach out to young people in our schools to tell them briefly about how they can become involved in its programs that do these positive things while having fun and increasing their physical fitness.

Unfortunately, some schools in North Dakota are denying Scouting the opportunity to make these brief presentations to engage our youth. Not all school districts are doing this but those that block this access include many of the largest districts in the state: Fargo, West Fargo, Grand Forks, Bismarck and Minot.

Does this opportunity to make these brief presentations make a difference? North Dakota Chief Justice Jon Jensen, an Eagle Scout, tells me that when was Scouting District Chairman for the district including Grand Forks which denied school access and East Grand Forks which permitted it, the number of Scouts in each city was approximately equal. This was the case even though Grand Forks was five-times larger than East Grand Forks!

House Bill 1356 allows youth patriotic societies, including Scouting, to have

access to public schools to inform students of opportunities to participate. The proposed bill parallels—but is even narrower than—a bill adopted by the 2018 South Dakota legislature. The South Dakota bill has worked well without problems. The South Dakota law allows all those organizations listed in U.S. Code Title 36 that are in the subgroup "patriotic society" to have the opportunity to make brief talks during the school day to tell about the opportunity for involvement with their programs.

The North Dakota bill draft further limits those eligible to make presentations to "youth patriotic societies." This is a classification established by Congress in 20 U.S. Code § 7905, an Act prohibiting public schools from discriminating against the "Boy Scouts of America, or any other youth group listed in Title 36 (as a patriotic society)."

Although there are many organizations in U.S. Code Title 36, only the Boy Scouts of America (Scouting BSA), the Girl Scouts, and Future Farmers of America (FFA) appear to fit into this class in North Dakota.

The bill freezes the list as it existed in the federal statute on January 1, 2021. The Boy Scouts and the Girl Scouts are the only organizations known to have used the South Dakota law.

The brief classroom explanation to students would be limited to the first quarter of the school year and be scheduled in coordination with school administrators, who we know already juggle and organize a lot of student opportunities and activities.

For those administrators who have wanted a clear legislative framework before letting Scouting make brief presentations, this bill provides it.

Scouting representatives have met with the Superintendent of Public Instruction, and the organizations representing the school boards, school administrators, and teachers about this legislation.

Although I was not involved with it, I know there was a much broader bill last session–SB 2299. We carefully studied the legislative history of that bill and have before you a bill that meets those objections.

In the House we heard opposition testimony that HB 1356 would create a "limited public forum" that would require letting in a huge number of organizations. Careful reading of the statute (which I have handed out) makes clear that the "limited public forum" statute does not apply. The statute says:

#### 20 U.S. Code § 4071 - Denial of equal access prohibited

#### (b) "Limited open forum" defined

A **public secondary school** has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related

student **groups to meet** on school premises **during noninstructional time**. The law relates to groups holding meetings at public secondary schools outside the regular school day. Part (a) says a school can't **discriminate against "any students** who wish to **conduct a meeting** within that limited open forum on the basis of the religious, political, philosophical, or other contents of the speech at such meetings."

The "limited open forum" doesn't apply to HB 1356 for these reasons among others:

HB 1356 doesn't relate to a meeting.

• If it were a meeting, it is not going to be conducted by students.

• It is not during noninstructional time (it is during the regular school day). And most of the talks to students will not be at secondary schools.

This session, some have said HB 1356 is not needed because their school allows the brief Scouting presentations. It wouldn't be necessary if all schools allowed it. But other school districts with a substantial portion of our students deny the access. We need to have this vehicle to promote patriotism, civic education, and public service to all our students not just some. And increased numbers of Scouts strengthens the program and benefits our state.

This bill provides local control over the time, place and manner of the brief presentations. Brief presentations that can lead to lives being shaped for the better.

The HB 1356 will help the Legislature achieve its goals of promoting patriotism and civic education.

Thank you!

#### TITLE 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

This title was enacted by Pub. L. 105–225, §1, Aug. 12, 1998, 112 Stat. 1253

#### Subtitle I—Patriotic and National Observances and Ceremonies

#### PART A-OBSERVANCES AND CEREMONIES

| 0                                   |  |   |
|-------------------------------------|--|---|
| Chap.<br>1.<br>3.<br>5.<br>7.<br>9. | Patriotic and National Observances<br>National Anthem, Motto, Floral Emblem, March, and Tree<br>Presidential Inaugural Ceremonies<br>Federal Participation in Carl Garner Federal Lands Cleanup Day<br>Miscellaneous | Sec.<br>101<br>301<br>501<br>701<br>901 |
|                                     |  |   |

#### PART B—UNITED STATES GOVERNMENT ORGANIZATIONS INVOLVED WITH OBSERVANCES AND CEREMONIES

| 21. | American Battle Monuments Commission             | 2101 |
|-----|--|------|
| 23. | United States Holocaust Memorial Council ${f 1}$ | 2301 |
|     |  |      |

25. President's Committee on Employment of People With Disabilities

#### Subtitle II—Patriotic and National Organizations

#### PART A-GENERAL

101. General 10101 PART B-ORGANIZATIONS 201. **Agricultural Hall of Fame** 20101 202. Air Force Sergeants Association 20201 203. American Academy of Arts and Letters 20301 205. **American Chemical Society** 20501 207. American Council of Learned Societies 20701 209. American Ex-Prisoners of War 20901 210. American GI Forum of the United States 21001 211. American Gold Star Mothers, Incorporated 21101 213. **American Historical Association** 21301 215. American Hospital of Paris 21501 **The American Legion** 217. 21701 The American National Theater and Academy 219. 21901 221. The American Society of International Law 22101 223. American Symphony Orchestra League 22301 225. **American War Mothers** 22501 227. **AMVETS (American Veterans)** 22701 229. Army and Navy Union of the United States of America 22901 231. **Aviation Hall of Fame** 23101 233 through 299. RESERVED 301. Big Brothers—Big Sisters of America 30101 **Blinded Veterans Association** 303. 30301 Blue Star Mothers of America, Inc. 305. 30501 307. Board For <sup>2</sup> Fundamental Education 30701 309. Boy Scouts of America 30901 311. Boys & Girls Clubs of America

2501

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| 407. Corporation for the Promotion of Rifle Practice and Firearms Safety  | 40701            |
|---|------------------|
| 409 through 499. RESERVED   |                  |
| 501. Daughters of Union Veterans of the Civil War 1861–1865   | 50101            |
| 503. Disabled American Veterans   | 50301            |
| 505 through 599. RESERVED   |                  |
| 601. 82nd Airborne Division Association, Incorporated   | 60101            |
| 603 through 699. RESERVED   |                  |
| 701. Fleet Reserve Association  | 70101            |
| 703. Former Members of Congress<br>705. The Foundation of the Federal Bar Association   | 70301            |
| 705. Frederick Douglass Memorial and Historical Association   | 70501            |
| 707. Frederick Douglass Memorial and Historical Association<br>709. Future Farmers of America                                 | 70701            |
| 709. Future Farmers of America<br>711 through 799. RESERVED   | 70901            |
| 801. General Federation of Women's Clubs  | 00404            |
| 803. Girl Scouts of the United States of America  | 80101            |
| 805. Gold Star Wives of America   | 80301            |
| 807 through 899. RESERVED   | 80501            |
| 901. Help America Vote Foundation   | 90101            |
| 903 through 999. RESERVED   | 90101            |
| 1001. Italian American War Veterans of the United States  | 100101           |
| 1003 through 1099. RESERVED   | 100101           |
| 1101. Jewish War Veterans of the United States of America, Incorporated   | 110101           |
| 1103. Jewish War Veterans, U.S.A., National Memorial, Incorporated  | 110301           |
| 1105 through 1199. RESERVED   |                  |
| 1201. Korean War Veterans Association, Incorporated   | 120101           |
| 1203 through 1299. RESERVED   |                  |
| 1301. Ladies of the Grand Army of the Republic  | 130101           |
| 1303. Legion of Valor of the United States of America, Incorporated   | 130301           |
| 1305. Little League Baseball, Incorporated  | 130501           |
| 1307 through 1399. RESERVED   |                  |
| 1401. Marine Corps League   | 140101           |
| 1403. The Military Chaplains Association of the United States of America  | 140301           |
| 1404. Military Officers Association of America  | 140401           |
| 1405. Military Order of the Purple Heart of the United States of America, Incorporated  | 140501           |
| 1407. Military Order of the World Wars  | 140701           |
| 1409 through 1499. RESERVED<br>1501. National Academy of Public Administration  |                  |
| 1501. National Academy of Public Administration<br>1503. National Academy of Sciences   | 150101           |
| 1505. National Academy of Sciences<br>1505. National Conference of State Societies, Washington, District of Columbia          | 150301           |
| 1507. National Conference of State Societies, Washington, District of Columbia<br>1507. National Conference on Citizenship    | 150501           |
| 1509. National Council on Radiation Protection and Measurements   | 150701           |
| 1511. National Education Association of the United States   | 150901           |
| 1513. National Fallen Firefighters Foundation   | 151101           |
| 1515. National Federation of Music Clubs  | 151301<br>151501 |
| 1517. National Film Preservation Foundation   | 151701           |
| 1519. National Fund for Medical Education   | 151901           |
| 1521. National Mining Hall of Fame and Museum   | 152101           |
| 1523. National Music Council  | 152301           |
| 1524. National Recording Preservation Foundation  | 152401           |
| 1525. National Safety Council   | 152501           |
| 1527. National Ski Patrol System, Incorporated  | 152701           |
| 1529. National Society, Daughters of the American Colonists   | 152901           |
| 1531. The National Society of the Daughters of the American Revolution  | 153101           |
| 1533. National Society of the Sons of the American Revolution   | 153301           |
| 1535. National Tropical Botanical Garden  | 153501           |
| 1537. National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic  | 153701           |
| 1539. The National Yeomen (F)   | 153901           |
| 1541. Naval Sea Cadet Corps   | 154101           |
| 1543. Navy Club of the United States of America   | 154301           |
| 1545. Navy Wives Clubs of America<br>1547. Non Commissioned Officers Association of the United States of America Incorporated | 154501           |
| 1547. Non Commissioned Officers Association of the United States of America, Incorporated 1549 through 1599. RESERVED         | 154701           |
| I I I I I I I I I I I I I I I I I I I   |                  |

| 1601 through 1699. RESERVED   |           |
|---|-----------|
| 1701. Paralyzed Veterans of America   | 470404    |
| 1703. Pearl Harbor Survivors Association                                    | 170101    |
| 1705. Polish Legion of American Veterans, U.S.A.                            | 170301    |
| 1707 through 1799. RESERVED   | 170501    |
| 1801 through 1899. RESERVED   |           |
| 1901. Reserve Officers Association of the United States                     |           |
| 1903. Retired Enlisted Association, Incorporated                            | 190101    |
| 1905 through 1999. RESERVED   | 190301    |
| 2001. Society of American Florists and Ornamental Horticulturists           |           |
| 2003. Sons of Union Veterans of the Civil War                               | 200101    |
| 2005 through 2099. RESERVED   | 200301    |
| 2101. Theodore Roosevelt Association  | 040404    |
| 2103. 369th Veterans' Association   | 210101    |
| 2105 through 2199. RESERVED   | 210301    |
| 2201. United Service Organizations, Incorporated                            | 000404    |
| 2203. United States Capitol Historical Society                              | 220101    |
| 2205. United States Olympic and Paralympic Committee                        | 220301    |
| 2207. United States Submarine Veterans of World War II                      | 220501    |
| 2209 through 2299. RESERVED   | 220701    |
| 2301. Veterans of Foreign Wars of the United States                         | 000404    |
| 2303. Veterans of World War I of the United States of America, Incorporated | 230101    |
| 2305. Vietnam Veterans of America, Inc.                                     | 230301    |
| 2307 through 2399. RESERVED   | 230501    |
| 2401. Women's Army Corps Veterans' Association                              | 0.40.40.4 |
| 2403 through 2499. RESERVED   | 240101    |
| 2501 through 2599. RESERVED   |           |
| 2601 through 2699. RESERVED   |           |
| 2701 through 2799. RESERVED   |           |
|   |           |

#### Subtitle III—Treaty Obligation Organizations

| 3001. | The | American | National | Red | Cross |
|-------|-----|----------|----------|-----|-------|
|-------|-----|----------|----------|-----|-------|

300101

#### **EDITORIAL NOTES**

#### AMENDMENTS

**2020**—Pub. L. 116–189, §4(b), Oct. 30, 2020, 134 Stat. 946, which directed amendment of analysis for part B of subtitle II of this title by substituting "United States Olympic and Paralympic Committee" for "United States Olympic Committee" in item for chapter 2205, was executed by making the substitution in this analysis to reflect the probable intent of Congress.

2014—Pub. L. 113–237, §3(a)(1), Dec. 18, 2014, 128 Stat. 2833, added complete analysis and struck out former analysis which consisted only of items for subtitles I to III.

| TABLE SHOWING D | ISPOSITION OF | ALL SECTIONS | OF FORMER TITL | Е 36 |
|-----------------|---------------|--------------|----------------|------|
|                 |               |              |                |      |

| Title 36<br>Former Sections  | Title 36   |
|--|--|
| 1, 1a, 2 (1st sentence words before 2d comma)<br>2 (1st sentence words between 2d comma and 3d   | New Sections 300101 300105   |
| semicolon)<br>2 (1st sentence words between 3d and 4th<br>semicolons)  | 300106   |
| 2 (1st sentence words after 4th semicolon)<br>2 (last sentence)<br>3<br>4<br>4a<br>5 (matter before (a)), (a), (b), (c) (1st–5th pars.)<br>5(c) (6th par.) | 300105<br>300106<br>300102<br>Prev. Rep.<br>300103<br>300104<br>300107 |

Pub. L. 105–354, §5(b), Nov. 3, 1998, 112 Stat. 3245, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Nov. 3, 1998.

Pub. L. 105–225, §6(a), Aug. 12, 1998, 112 Stat. 1499, provided that: "The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal."

Pub. L. 105–225, §6(b), Aug. 12, 1998, 112 Stat. 1499, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 12, 1998.

#### <sup>1</sup> So in original. Does not conform to chapter heading.

<sup>2</sup> So in original. Probably should not be capitalized.

#### Subtitle I—Patriotic and National Observances and Ceremonies

#### **EDITORIAL NOTES**

#### AMENDMENTS

**2014**—Pub. L. 113–237, §3(a)(2)(A), Dec. 18, 2014, 128 Stat. 2835, struck out item for part A "Observances and Ceremonies", which consisted of items for chapters 1 to 9, and item for part B "United States Government Organizations Involved With Observances and Ceremonies", which consisted of items for chapters 21 to 25.

**2004**—Pub. L. 108–447, div. J, title I, §109(b)(1), Dec. 8, 2004, 118 Stat. 3344, substituted "March, and Tree" for ", and March" in item for chapter 3.

#### PART A—OBSERVANCES AND CEREMONIES

#### CHAPTER 1-PATRIOTIC AND NATIONAL OBSERVANCES

- 101. American Heart Month.
- 102. Asian/Pacific American Heritage Month.
- 103. Cancer Control Month.
- 104. Carl Garner Federal Lands Cleanup Day.
- 105. Child Health Day.
- 106. Constitution Day and Citizenship Day.
- 107. Columbus Day.
- 108. Constitution Week.
- 109.Father's Day.110.Flag Day.

Sec.

- 110. Flag Day. 111. Gold Star Mot
- 111.Gold Star Mother's Day.112.Honor America Days.
- 113. Law Day, U.S.A.
- 114. Leif Erikson Day.
- 115. Loyalty Day.
- 116. Memorial Day.
- 117. Mother's Day.
- 118. National Aviation Day.
- 119. National Day of Prayer.
- 120. National Defense Transportation Day.
- 121. National Disability Employment Awareness Month.
- 122. National Flag Week.
- 123. National Forest Products Week.
- 124. National Freedom Day.

- 125. National Grandparents Day.
- 126. National Hispanic Heritage Month.
- 127. National Korean War Veterans Armistice Day.
- 128. National Maritime Day.
- 129. National Pearl Harbor Remembrance Day.
- 130. National Poison Prevention Week.
- 131. National Safe Boating Week.
- 132.
   National School Lunch Week.
- 133. National Transportation Week.
- 134. Pan American Aviation Day.
- 135. Parents' Day.
- 136.
   Peace Officers Memorial Day.
- 137. Police Week.
- 138.Save Your Vision Week.
- 139. Steelmark Month.
- 140. Stephen Foster Memorial Day.
- 141. Thomas Jefferson's birthday.
- 142. White Cane Safety Day.
- 143. Wright Brothers Day.
- 144. Patriot Day.
- 145. Veterans Day.

#### EDITORIAL NOTES

#### AMENDMENTS

2016—Pub. L. 114–240, §2(b), Oct. 7, 2016, 130 Stat. 975, added item 145.

**2004**—Pub. L. 108–447, div. J, title I, §111(c)(2), Dec. 8, 2004, 118 Stat. 3345, inserted "Constitution Day and" before "Citizenship Day" in item 106.

2001—Pub. L. 107–89, §2, Dec. 18, 2001, 115 Stat. 877, added item 144.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### **AMERICAN WORLD WAR II HERITAGE CITIES**

Pub. L. 116-9, title IX, §9007, Mar. 12, 2019, 133 Stat. 837, provided that:

"(a) DESIGNATION.—In order to recognize and ensure the continued preservation and importance of the history of the United States involvement in World War II, each calendar year the Secretary [of the Interior] may designate 1 or more cities located in 1 of the several States or a territory of the United States as an 'American World War II Heritage City'. Not more than 1 city in each State or territory may be designated under this section.

"(b) Application for Designation.—The Secretary may—

"(1) establish and publicize the process by which a city may apply for designation as an American World War II Heritage City based on the criteria in subsection (c); and

"(2) encourage cities to apply for designation as an American World War II Heritage City. "(c) CRITERIA FOR DESIGNATION.—The Secretary, in consultation with the Secretary of the Smithsonian Institution or the President of the National Trust for Historic Preservation, shall make each designation

under subsection (a) based on the following criteria:

"(1) Contributions by a city and its environs to the World War II home-front war effort, including contributions related to—

"(A) defense manufacturing, such as ships, aircraft, uniforms, and equipment;

"(B) production of foodstuffs and consumer items for Armed Forces and home consumption;

"(C) war bond drives;

"(D) adaptations to wartime survival;

"(E) volunteer participation;

"(F) civil defense preparedness;

"(G) personnel serving in the Armed Forces, their achievements, and facilities for their rest and recreation; or
In subsection (a), the word "have" is substituted for "maintain at all times", and the word "authorized" is omitted, for consistency in the revised title and to eliminate unnecessary words. The words "is notice to or service on the corporation" are substituted for "shall be deemed sufficient notice or service upon the corporation" for consistency in the revised title.

In subsection (b), the word "precedent" is omitted as unnecessary. The words "with the secretary of state or other designated official" are substituted for "in the office of the Secretary of State, or similar office" for consistency in the revised title. The words "post office" and "authorized" are omitted as unnecessary.

## §30711. Liability for acts of officers and agents

The corporation is liable for the acts of its officers and agents acting within the scope of their authority. (Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1324.)

| HISTORICAL AND REVISION NOTES |                    |  |  |  |
|-------------------------------|--------------------|--|--|--|
| Revised<br>Section            | Source (U.S. Code) |  |  |  |
| 30711                         | 36:511.            | July 19, 1954, ch. 536, §11, 68 Stat. 491. |  |  |

## §30712. Distribution of assets on dissolution or final liquidation

On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be used by the board of directors for the purpose stated in section 30702 of this title or be transferred to a recognized educational foundation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1324.)

HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code) | Irce (U.S. Code) Source (Statutes at Large) |  |
|--------------------|--------------------|---|--|
| 30712              | 36:515.            | July 19, 1954, ch. 536, §15, 68 Stat. 492.  |  |

The word "satisfaction" is omitted as included in "discharge", and the word "obligations" is omitted as included in "liabilities". The word "outstanding" is omitted as unnecessary.

### CHAPTER 309-BOY SCOUTS OF AMERICA

| Sec.   |   |
|--------|---|
| 30901. | Organization.   |
| 30902. | Purposes.   |
| 30903. | Governing body.                                       |
| 30904. | Powers.   |
| 30905. | Exclusive right to emblems, badges, marks, and words. |
| 30906. | Restrictions.   |
| 30907. | Annual and special meetings.                          |
| 30908. | Annual report.  |

§30901. Organization

(a) FEDERAL CHARTER.—Boy Scouts of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) DOMICILE.—The domicile of the corporation is the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1325.)

HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code)             | Source (Statutes at Large)  |
|--------------------|--------------------------------|---|
| 30901              | 36:21.                         | June 15, 1916, ch. 148, §§1, 2 (words before 2d comma), 39 Stat. 227. |
|                    | 36:22 (words before 2d comma). |   |

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

## §30902. Purposes

The purposes of the corporation are to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods that were in common use by boy scouts on June 15, 1916.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1325.)

| HISTORICAL AND REVISION NOTES |                   |   |  |  |
|-------------------------------|-------------------|---|--|--|
| Revised<br>Section            | Source (IIS Code) |   |  |  |
| 30902                         | 36:23.            | June 15, 1916, ch. 148, §3, 39 Stat. 228. |  |  |

## §30903. Governing body

(a) EXECUTIVE BOARD.—An executive board composed of citizens of the United States is the governing body of the corporation. The number, qualifications, and term of office of members of the board are as provided in the bylaws. A vacancy on the board shall be filled by a majority vote of the remaining members of the board.

(b) QUORUM.—The bylaws may prescribe the number of members of the board necessary for a quorum. That number may be less than a majority of the entire board.

(c) COMMITTEES.—(1) The board, by resolution passed by a majority of the entire board, may designate 3 or more members of the board as an executive or governing committee. A majority of the committee is a quorum. The committee, to the extent provided in the resolution or bylaws, may—

(A) exercise the powers of the executive board in managing the activities of the corporation; and

(B) authorize the seal of the corporation to be affixed to papers that may require it.

(2) The board, by majority vote of the entire board, may appoint other standing committees. The standing committees may exercise powers as provided in the bylaws.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1325.)

| Revised<br>Section | Source (U.S. Code)          | Source (Statutes at Large)  |
|--------------------|-----------------------------|---|
| 30903(a)           | 36:25 (1st-4th sentences).  | June 15, 1916, ch. 148, §5 (1st–5th, 7th, 8th sentences), 39 Stat. 228. |
| 30903(b)           | 36:25 (5th sentence).       |   |
| 30903(c)           | 36:25 (7th, 8th sentences). |   |

| HISTORICAL AND | REVISION | Notes |
|----------------|----------|-------|
|----------------|----------|-------|

In subsection (a), the text of 36:25 (3d sentence) is omitted as executed and obsolete.

In subsection (c)(1)(A), the words "have and" are omitted as unnecessary. The word "activities" is substituted for "business affairs" for consistency in the revised title.

In subsection (c)(1)(B), the words "have power to" are omitted as unnecessary.

## §30904. Powers

(a) GENERAL.—The corporation may—

| F | irefox |  |
|---|--------|--|
| • |        |  |

| Section  |                          |   |
|----------|--------------------------|---|
| 80105(a) | 36:3503 (last sentence). | Mar. 3, 1901, ch. 860, §3 (last sentence), 31<br>Stat. 1439   |
| 80105(b) | 36:3504.                 | Mar. 3, 1901, ch. 860, §4, as added Apr. 28,<br>1904, ch. 1790, 33 Stat. 542; June 7, 1934,<br>ch. 425, 48 Stat. 925. |

In subsection (b), the word "may" is substituted for "be, and it is hereby, authorized to", and the words "as it from time to time may deem best" are omitted, to eliminate unnecessary words.

## §80106. Distribution of assets on dissolution

On dissolution of the corporation, the board of directors shall liquidate and distribute its assets to organizations qualified as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) with purposes similar to those of the corporation.

HISTOPICAL AND DEVICE NO.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1360.)

| HISTORICAL AND REVISION NOTES                       |             |  |  |
|---|-------------|--|--|
| RevisedSource (U.S. Code)Source (Statutes at Large) |             |  |  |
| 80106   | 36:3501(c). | Mar. 3, 1901, ch. 860, §1(c), as added Aug.<br>7, 1986, Pub. L. 99–376, §1(3), 100 Stat.<br>804. |  |

## CHAPTER 803-GIRL SCOUTS OF THE UNITED STATES OF AMERICA

| Sec.   |   |
|--------|---|
| 80301. | Organization.   |
| 80302. | Purposes.   |
| 80303. | Governing body.                                       |
| 80304. | Powers.   |
| 80305. | Exclusive right to emblems, badges, marks, and words. |
| 80306. | Restrictions.   |
| 80307. | Annual report.  |
|        |   |

## §80301. Organization

(a) FEDERAL CHARTER.—Girl Scouts of the United States of America (in this chapter, the "corporation") is a body corporate and politic of the District of Columbia.

(b) DOMICILE.—The domicile of the corporation is the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1361.)

| HISTORICAL AND | REVISION | Notes |
|----------------|----------|-------|
|----------------|----------|-------|

| Revised<br>Section | Source (U.S. Code)             | Source (Statutes at Large)  |
|--------------------|--------------------------------|---|
| 80301              | 36:31.                         | Mar. 16, 1950, ch. 62, §§1, 2 (words before 2d comma), 64 Stat. 22. |
|                    | 36:32 (words before 2d comma). |   |

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

## §80302. Purposes

The purposes of the corporation are-

(1) to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community;

(2) to direct and coordinate the Girl Scout movement in the United States and territories and possessions of the United States; and

(3) to fix and maintain standards for the movement that will inspire the rising generation with the highest ideals of character, patriotism, conduct, and attainment.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1361.)

| HISTORICAL AND | REVISION | Notes |
|----------------|----------|-------|
|----------------|----------|-------|

| Revised<br>Section | Source (U.S. Code)               | Source (Statutes at Large)  |
|--------------------|----------------------------------|---|
| 80302              | 36:33 (words before 19th comma). | Mar. 16, 1950, ch. 62, §3 (words before 19th comma), 64 Stat. 23. |

## §80303. Governing body

(a) NATIONAL COUNCIL.—(1) There shall be a National Council of Girl Scouts. The number, qualifications, and term of office of members of the Council are as provided in the constitution of the corporation, except that members of the Council must be citizens of the United States.

(2) The Council may adopt and amend a constitution and bylaws and elect a board of directors, officers, and agents.

(3) The constitution may prescribe the number of members of the Council necessary for a quorum. That number may be less than a majority of the entire Council.

(4) Meetings of the Council shall be held as provided in the constitution to hold elections and receive reports of the officers and board of directors. Special meetings may be called as provided in the constitution.

(b) BOARD OF DIRECTORS.—(1) To the extent provided in the constitution and bylaws, the board of directors shall have the powers of the Council and manage the activities of the corporation between meetings of the Council. The number, qualifications, and term of office of directors are as provided in the constitution.

(2) The constitution may prescribe the number of directors necessary for a quorum. That number shall be at least 20 or two-fifths of the entire board.

(c) EXECUTIVE AND OTHER COMMITTEES.—The bylaws may provide for—

(1) an executive committee to carry out the powers of the board of directors between meetings of the board; and

(2) other committees to operate under the general supervision of the board of directors.

(d) LOCATION OF MEETINGS AND RECORDS.—The Council and the board of directors may hold meetings and keep the seal and records of the corporation in or outside the District of Columbia. (Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1361.)

| HISTORICAL AND REVISION NOTES |  |   |
|-------------------------------|--|---|
| Revised<br>Section            | Source (U.S. Code)   | Source (Statutes at Large)  |
| 80303(a)(1)                   | 36:34 (1st sentence words before 1st comma, 2d sentence).        | Mar. 16, 1950, ch. 62, §§4 (1st–7th<br>sentences), 5, 64 Stat. 23, 24; Aug. 14,<br>1953, ch. 486, §1, 67 Stat. 582. |
| 80303(a)(2)                   | 36:34 (1st sentence words after 1st comma).                      |   |
| 80303(a)(3)                   | 36:34 (3d sentence).   |   |
| 80303(a)(4)                   | 36:35 (1st, 2d sentences).                                       |   |
| 80303(b)(1)                   | 36:34 (4th sentence words before 1st comma, 5th, 7th sentences). |   |
| 80303(b)(2)                   | 36:34 (6th sentence).  |   |
| 80303(c)                      | 36:34 (4th sentence words after 1st comma).                      |   |
| 80303(d)                      | 36:35 (last sentence).   |   |

HISTORICAL AND REVISION NOTES

In subsection (a)(1), the words "(hereinafter referred to as the 'national council')" are omitted as

30908

36:28.

June 15, 1916, ch. 148, §8, 39 Stat. 229; Aug. 30, 1964, Pub. L. 88-504, §4(1), 78 Stat. 636.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

## **TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of reporting provisions in this section, see section 3003 of Pub. L. 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and page 198 of House Document No. 103-7.

#### CHAPTER 311-BOYS & GIRLS CLUBS OF AMERICA

Sec. 31101.

Organization. 31102. Purposes.

Membership. 31103.

31104. Governing body.

31105. Powers.

- 31106.
- Restrictions. 31107. Principal office.
- 31108. Records and inspection.
- 31109. Service of process.
- Liability for acts of officers and agents. 31110.
- 31111. Distribution of assets on dissolution or final liquidation.

## §31101. Organization

(a) FEDERAL CHARTER.—Boys & Girls Clubs of America (in this chapter, the "corporation") is a federally chartered corporation.

(b) PLACE OF INCORPORATION AND DOMICILE.—The corporation is declared to be incorporated and domiciled in the District of Columbia.

(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1326.)

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large)   |
|--------------------|--------------------|--|
| 31101              | 36:691.            | Aug. 6, 1956, ch. 976, §1, 70 Stat. 1052;<br>Dec. 10, 1991, Pub. L. 102–199, §1(2), 105<br>Stat. 1628. |
|                    | 36:692.            | Aug. 6, 1956, ch. 976, §§2, 4(1), 70 Stat. 1052.   |
|                    | 36:694(1).         |  |

HISTORICAL AND REVISION NOTES

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words.

## §31102. Purposes

The purposes of the corporation are-

(1) to promote the health, social, educational, vocational, and character development of youth throughout the United States; and

(2) to receive, invest, and disburse funds and to hold property for the purposes of the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1327.)

Sec

The words "dissolution or final liquidation" are substituted for "final dissolution or liquidation" for consistency in the revised title. The word "satisfaction" is omitted as included in "discharge", and the word "obligations" is omitted as included in "liabilities". The word "outstanding" is omitted as unnecessary. The words "as provided by" are substituted for "in accordance with the determination of" for consistency in the revised title. The words "all Federal and State laws applicable thereto" are omitted as unnecessary.

#### CHAPTER 1305-LITTLE LEAGUE BASEBALL, INCORPORATED

| Sec.    |   |
|---------|---|
| 130501. | Organization.   |
| 130502. | Purposes.   |
| 130503. | Membership.   |
| 130504. | Governing body.   |
| 130505. | Powers.   |
| 130506. | Exclusive right to name and emblems.                        |
| 130507. | Restrictions.   |
| 130508. | Principal office.   |
| 130509. | Records and inspection.                                     |
| 130510. | Statement required in audit report.                         |
| 130511. | Service of process.   |
| 130512. | Liability for acts of officers and agents.                  |
| 130513. | Distribution of assets on dissolution or final liquidation. |
|         |   |

## §130501. Organization

(a) FEDERAL CHARTER.—Little League Baseball, Incorporated (in this chapter, the "corporation"), is a federally chartered corporation.

(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence. (Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1376.)

#### HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large)                              |
|--------------------|--------------------|---|
| 130501             | 36:1071.           | July 16, 1964, Pub. L. 88–378, §§1, 2, 78<br>Stat. 325. |
|                    | 36:1072.           |   |

This section is substituted for the source provisions for consistency in the revised title and to eliminate executed and unnecessary words. The text of 36:1072 is omitted as executed.

## §130502. Purposes

The purposes of the corporation are-

(1) to promote, develop, supervise, and voluntarily assist in all lawful ways the interest of young people who participate in Little League baseball;

(2) to help and voluntarily assist young people in developing qualities of citizenship and sportsmanship; and (3) using the disciplines of the native American game of baseball, to teach spirit and competitive will to win, physical fitness through individual sacrifice, the values of team play, and wholesome well being through healthy social association with other youngsters under proper leadership.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1377.)

HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large) |
|--------------------|--------------------|----------------------------|
|                    |                    |                            |

20 USC 4071: Denial of equal access prohibited Text contains those laws in effect on January 31, 2021

From Title 20-EDUCATION

CHAPTER 52-EDUCATION FOR ECONOMIC SECURITY SUBCHAPTER VIII-EQUAL ACCESS Jump To: Source Credit

Short Title

## §4071. Denial of equal access prohibited

## (a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

#### (b) "Limited open forum" defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

## (c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that-

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity:

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

## (d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof-

- (1) to influence the form or content of any prayer or other religious activity;
- (2) to require any person to participate in prayer or other religious activity;
- (3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

- (5) to sanction meetings that are otherwise unlawful;
- (6) to limit the rights of groups of students which are not of a specified numerical size; or

## (7) to abridge the constitutional rights of any person.

## (e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

## (f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(Pub. L. 98-377, title VIII, §802, Aug. 11, 1984, 98 Stat. 1302 .)

### SHORT TITLE

Pub. L. 98–377, title VIII, §801, Aug. 11, 1984, 98 Stat. 1302, provided that: "This title [enacting this subchapter] may be cited as 'The Equal Access Act'."



For a five minute school day presentation once a year, more North Dakota Students will be invited to participate in Scouting Programs where they will develop life skills, character traits and values that will benefit them and our state throughout their lifetimes.

# Please vote YES on HB 1356.

Important Statistics from Eagle Scout & Attorney General Wayne Stenehjem on why is it important for North Dakota Boys & Girls to be encouraged to Join Scouting? What is 5 Minutes' worth? (According to a classic study By Harris Interactive) Compared to Men and Women who were Never in Scouting.....

# Establish greater lifelong connections to family, friends, and neighbors:

- 46 percent more likely to say they talk with their neighbors at least once a month
- 38 percent more likely to indicate they are close with their brothers and sisters
- 37 percent more likely to say they have extremely close friends

## Develop greater commitment to lifelong learning:

- 80 percent more likely to have taken a course or class in the past year
- 40 percent more likely to say it is extremely important to learn something new every day



# Please vote YES on HB 1356.

## Exercise more self-discipline to plan, set and achieve goals:

- 124 percent more likely to keep a disaster supply kit in their home
- 81 percent more likely to say they achieved a spiritual goal in the last year
- 64 percent more likely to say they achieved a personal goal in the last year
- 49 percent more likely to say they achieved a financial goal in the last year

## Gain a greater connection and concern for their community:

- 87 percent more likely to belong to four or more civic or social groups or clubs
- 76 percent more likely to have held a leadership position in their local community
- 56 percent more likely to indicate they have worked with neighbors to solve a community problem





Scouting instills Confidence, Competence, Caring, Character, and Connection, and it builds all 40 Developmental Assets identified by the Search Institute. More Scouts will only create better schools and better communities. All of this for a minimal disruption of 5 minutes once a year.

OUTS OF AMERICA®

RTHERN LIGHTS COUNCIL

Hello, my name is Wendy Lewis and I am a Senior Regional Director at Girl Scouts Dakota Horizons. I am here today to express support for House Bill 1356 and encourage your vote for this legislation.

At Girl Scouts, girls choose how they participate and what experiences they wish to have. With a variety of badges, events and learning curriculum, girls find a place to practice skills, explore their potential, take on leadership positions—and even feel allowed to fail, dust themselves off, get up, and try again.

Girl Scouts has always been committed to developing girls' curiosity and academic success. The opportunities provided through the Girl Scout Leadership Experience focus on STEM, Life Skills, Entrepreneurship and the Outdoors - complimenting what girls are already learning in school.

A 2012 Girl Scout Research Institute Study, *Linking Leadership to Academic Success: The Girl Scout Difference,* proves Girl Scouting to be positively linked with academic achievement and school engagement.

When surveyed:

- 73% of Girl Scouts said they are good at their schoolwork.
- 75% reported receiving an average of "Mostly As or Bs" or "All As" in the three school subjects measured.
- 82% "agree a lot" that it's important to them to really understand their class work.
- 83% said they "always" finish their homework even if it's boring.

The study outcomes affirm that when girls plan and lead projects, whether related to community service, outdoor expeditions, cookie sales, robotics or any number of Girl Scout programs, they gain skills and confidence that also help them do well in school.

Today, girls need Girl Scouts to help them stay connected to their friends and communities and continue to pursue their passions – and I want more girls in North Dakota to have this opportunity.

Having school access in other states to speak to girls while at school has proven to be a great opportunity for us, as well as the girls. We work cooperatively with each school system to schedule a time that the administration feels is best for the students and respect the length of time we are given.

We have presented to students class by class, spending just a few minutes in each room, or in an assembly-style setting. During this time we share what Girl Scouts is about and invite them to attend an information night with their caregiver to learn more.

In conclusion, I urge you to vote in support of House Bill 1356 so that organizations like Girl Scouts can provide students a choice in their afterschool activities. A vote yes will allow us to impact more girls through the state of North Dakota as we build girls of courage, confidence and character who make the world a better place.

I thank you for your time today. Before I leave I have some additional material I would like to hand out to you for consideration.



## Linking Leadership to Academics: The Girl Scout Difference<sup>1</sup>

The mission of Girl Scouting is to develop girls of courage, confidence, and character, who make the world a better place. An exciting new study shows that Girl Scouting also contributes to academic success. This national study by the Girl Scout Research Institute (GSRI) found that the leadership skills and experiences girls gain through Girl Scouting also help them succeed in school.

"Without Girl Scouts I would not be where I am today. I think I would not get good grades, I don't think I would do well in school, and I don't think I would get along with others as well as I do." - 12 year old Girl Scout

#### **Key Findings**

The study of nearly 3,000 geographically-diverse fourth through eighth grade Girl Scouts found that:

- 1. Girl Scout participation has a positive impact on girls' leadership.
  - ✓ On a 1–10 scale, one-third of girls rated the impact of Girl Scouting on their leadership a 10 (highest score possible).
  - ✓ Eighty percent rated it a 7 or higher.
- 2. Girl Scouting influences academic success as much as or more than positive relationships with teachers and weekly participation in out-of-schooltime (OST) activities— non-Girl Scout factors that are known to boost success in school.
- 3. Lower socioconomic status (SES) girls, those whose moms have less than a college education, report greater benefits from Girl Scouting.
  - ✓ They report greater leadership impact.
  - ✓ Those who have gained problem solving skills indicate much higher scholastic competence.

#### What Makes Girl Scouting Different

Girl Scout experiences are characterized by three processes: Cooperative Learning, Learning by Doing, and Girl-Led activities. The Cooperative Learning aspect of Girl Scouting (in which girls work with, learn from and teach each other) is particularly important in supporting girls to take on challenges and solve personal, interpersonal and community problems. When girls learn to seek challenges and solve problems



in Girl Scouting, it helps them do the same in school, thereby supporting their academic growth.

Additionally, Girl Scouting offers a variety of different experiences, in which girls get to try new things, develop their skills, and take on leadership roles. When girls plan and lead projects, whether related to community service, outdoor expeditions, cookie sales, robotics or any number of other Girl Scout themes, they gain skills and confidence that also help them do well in school.



#### Directions for Future Research & Programming

Additional research is recommended to compare Girl Scouts and non-Girl Scouts on both leadership and academic outcomes and to explore how leadership development experiences impact academics for lower-SES girls. Programming to help adult volunteers better facilitate the three Girl Scout Processes may also yield very positive results for girls' leadership and academics.

"I get to face my fears and try new things. Girl Scouts teaches lots of important life lessons." - 10 year old Girl Scout

This document is an overview of *Linking Leadership to Academic Success: The Girl Scout Difference,* by Kallen Tsikalas and Sabrica Barnett (Girl Scout Research Institute, 2012). Full report available online at <u>www.girlscouts.org/research/publications/gsoutcomes/</u>



## **Girl Scout Alums by the Numbers**

## At-a-Glance

- There are currently more than 50 million Girl Scout alums.
- Roughly 5 percent of Girl Scout alums have received the highest award in Girl Scouting—the Girl Scout Gold Award.
- Gold Award Girl Scouts represent our most successful, engaged, and happiest Girl Scout alums. These alums display more positive life outcomes compared with women who didn't participate in Girl Scouts in regard to sense of self, life satisfaction, leadership, life success, community service, and civic engagement.
- Girl Scout alums also display positive life outcomes to a greater degree than other women on several indicators of success, including sense of self, volunteerism and community work, civic engagement, education, and income/ socioeconomic status.

Sources: The Girl Scout Research Institute, *Girl Scouting Works: The Alumnae Impact Study* (2012) and *Girl Scout Network Exploratory Research* (2017)

## **Elected Officials**

- Sixty percent of women in the 116th Congress are Girl Scout alums.
- Sixty-nine percent of current female senators are Girl Scout alums.
- Fifty-seven percent of women currently in the House of Representatives are Girl Scout alums.
- Five of the nine current female governors are Girl Scout alums.
- Every female secretary of state in U.S. history is a former Girl Scout: Madeleine Albright, Condoleezza Rice, and Hillary Clinton. Source: Girl Scouts of the USA's Public Policy & Advocacy Office, Washington, DC (2020)

## Businesswomen

- More than half (53 percent) of female entrepreneurs and business owners are Girl Scout alums.
- Girl Scout alums are more likely than other women to have a business degree.
- Older women in business are more likely to have been Girl Scouts as girls; 61 percent of businesswomen age 65 and older are Girl Scout alums, as are 56 percent between the ages of 45 and 64.



## **Girls Speak Out**

## Quotes from Linking Leadership to Academic Success: The Girl Scout Difference\*

In 2011, the Girl Scout Research Institute conducted a national study with nearly 3,000 Junior & Cadette Girl Scouts (girls in grades 4-8) from more than 20 states. Here's what these girls had to say about...

## Girl Scouting & Leadership Development

- My experience as a Girl Scout made me a better, more confident person and showed me ways how to make the world a better place. (13 year old Girl Scout, Massachusetts)
- Girl Scouting has created new opportunities for me to try new things, make new friends, and learn how to lead! It
  has been a great opportunity for me to help the world, one thing at a time! (12 year old Girl Scout, Ohio)
- Girl Scouting is a good practice for me because I want to be a Congresswoman or the President of the U.S.A. when
  I grow up. Girl Scouts teaches me about leadership, kindness, and all sorts of good traits! That is why I love Girl
  Scouting. (10 year old Girl Scout, Georgia)
- It is very fun to be able to make new friends other than the ones at school. I learned a lot from my Girl Scout experiences such as being a leader and I improved on my group working skills. (11 year old Girl Scout, Massachusetts)
- I enjoy being around other girls from many cultures, and learning to work together for the betterment of our schools, and community. (12 year old Girl Scout, Nebraska)

## Girl Scouting & Academic Success or Learning

- I have been a Girl Scout since I was 5 (a Daisy), and I would like to say that I think without Girl Scouts I would not be where I am today. I think I would not get good grades, I don't think I would do well in school, and I don't think I would get along with others as well as I do. (12 year old Girl Scout, Texas)
- School is so much stress and hard for me. Girl Scouts is where I can be good at stuff. Teaching arts and crafts or leading games to younger scouts makes me feel good about myself, like I can do something good. Camping and travel with my friends and no boys is the best part of Girl Scouts. (13 year old Girl Scout, Texas)
- Girl Scouts is a wonderful community of friends and open minds. I know that at Girl Scouts I can have fun and be with my friends while still learning new skills. (12 year old Girl Scout, Massachusetts)
- I have been having trouble at school and my confidence level is at a low, so Girl Scouts makes me feel good inside.
   (9 year old Girl Scout, Missouri)

## Girl Scouting & Personal Growth

- Girl Scouts is a place where I know I can be myself and speak what's on my mind. Girl Scouts has allowed me to see my real self and not be afraid to show who I really am. (12 year old Girl Scout, Massachusetts)
- Girl Scouts is helping me be a stronger person by giving me the courage to say no to my friends, and a place that I can learn new things. (11 year old Girl Scout, Illinois)
- I really like the Girl Scout cookie sales because it teaches me to get to be more social and to have good eye
  contact with people... (10 year old Girl Scout, Texas)
- I like making new friends and learning new things. I get to face my fears and try new things. Girl Scouts teaches lots of important life lessons. (10 year old Girl Scout, California)
- I'm really glad that I joined Girl Scouts because now I have more friends and I've met more people. Being a Girl Scout has opened me up to the world. (9 year old Girl Scout, Iowa)
- I love Girl Scouts. It helps me be a good person and it has good effects on me. (9 year old Girl Scout, California)

A copy of the full report, Linking Leadership to Academic Success: The Girl Scout Difference, may be downloaded from <u>http://www.girlscouts.org/research/publications/gsoutcomes/</u>



# We are girls of courage, confidence, and character who make the world a better place.

And that "make the world a better place" part? That's about civic involvement, and it gets at the very heart of what it means to be a Girl Scout.

Girl Scouts prepare to lead the change in their town, state, and country through the Girl Scout Leadership Program. When they earn their Civics badges Girl Scouts:



- Gain an in-depth understanding of how local, state, and federal government works.
- Prepare to be a voter, an activist, or a political leader.
- Research laws and understand how they're created.
- Explore how the electoral college works.
- · Learn about the representation of women in government, and so



## much more.

From the very beginning, Girl Scout founder Juliette Gordon Low saw Girl Scouting as a movement that would inspire girls to make a difference in their world. **Call it advocacy. Call it being a good citizen. Call it patriotism**. Girl Scouts leave things better than they found them and work to make our communities shine.



I plan to share what Scouting means to me and what I have learned about civic duty, patriotism, and community service. I believe it is exceptionally important for students to have the opportunity to learn about these programs.

Margaret Ann Huettl First Female Eagle Scout in ND

## Testimony on HB 1356 Before the Senate Education Committee By David Sprynczynatyk March 24, 2021

Good morning Mr. Chairman and members of the Senate Education Committee. My name is David Sprynczynatyk and I have been involved in the Boy Scout program for more than 40 years. Currently I serve as the immediate past president of the Northern Lights Council and am testifying in support of HB 1356.

House bill 1356 would allow school access for youth to learn more about patriotic societies in our state. Boy Scouts and Girl Scouts teach everyone about how our government works, the proper roles of the legislative, executive, and judicial branches, and the rights and duties of citizenship.

Over the years, serving as the head of three state agencies, I have witnessed the value and benefit of the scouting programs. Young men and women that were involved as scouts were better prepared to serve the state's citizens. In my position as Adjutant General of the North Dakota National Guard, I saw first-hand the value of the type of patriotic training provided by scouting as young men and women were volunteering to serve our nation. They were unequivocally better prepared to serve as leaders in our National Guard.

I ask you to support HB 1356 and vote a Do Pass.

Thank you and I would be glad to try to answer any questions that you might have.

## TESTIMONY ON HB 1356 SENATE EDUCATION COMMITTEE March 24, 2021 By: Jim Upgren, Assistant Director, Office of School Approval and Opportunity 701-328-2244 North Dakota Department of Public Instruction

Chairman Schaible and Members of the Committee:

My name is Jim Upgren, Assistant Director in the Office of School Approval and Opportunity with the Department of Public Instruction. I am here on behalf of the department to speak in support of HB 1356.

NDDPI supports the idea of youth patriotic societies such as the Boy Scouts and Girl Scouts introducing themselves and promoting their organizations to prospective members. Doing so will give students the opportunity to make an informed choice of whether or not they wish to participate in the organization.

The department also supports the idea that not all learning takes place within the walls of a classroom. For example, another bill, HB 1478 (which NDDPI supports), would allow schools to issue credit for an educational opportunity that takes place outside of the classroom. This could potentially mean that a student could receive school credit for completing an Eagle Scout project, for example. With patriotic societies having the opportunity to speak to prospective members, along with schools being able to allow projects completed by students as part of those organizations to count for credit, HB 1356 would benefit schools, students, and the patriotic societies alike.

NDDPI supports HB 1356, and it is our hope that local school districts can work with their local scouting organizations to make these visits as convenient and least intrusive as possible in order to minimize interruptions to instructional time.

Chairman Schaible and Members of the Committee that concludes my prepared testimony and I will stand for any questions that you may have.



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## HB 1356 **Testimony of Amy De Kok** Senate Education March 24, 2021

Chairman Schaible and members of the Senate Education Committee, my name is Amy De Kok. I am in-house Legal Counsel for the North Dakota School Boards Association. NDSBA represents all North Dakota public school districts and their boards. I am here today in opposition to HB 1356.

NDSBA has a number of concerns regarding HB 1356, which requires all public schools to allow a youth patriotic society to have access to students during instructional time and on school premises for purposes of recruitment and providing information. A very similar bill was attempted last session—SB 2299. That bill received a unanimous Do Not Pass recommendation from this Committee and failed on the floor of the Senate.

By way of background, there is a federal law, the Boy Scouts of America Equal Access Act (Boy Scouts Act), that applies in this context, but is not nearly as broad or burdensome as the proposed bill. The Boy Scouts Act prohibits any public school that has created a designated open forum or a limited public forum and that receives federal funds from denying equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society, that wishes to meet at the school within that designated open forum or limited public forum. Title 36 youth group means a group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21.

In short, the Boy Scouts Act gives the Boy Scouts and other covered groups equal access or a fair opportunity to meet if a public school designates a place for any outside youth or community groups to meet on campus for reasons other than to provide the school's educational program. Any access under the Act must be on terms that are no less favorable than the most favorable terms provided to one or more outside youth or community groups. In other words, the federal Boy Scouts Act leaves it up to the local school district to choose when and how to allow outside community groups access to the school premises and its students.

The main problem with HB 1356 is that it forces public schools to open their facilities to not only the Boy Scouts and Girl Scouts, but other community groups who wish to access their facilities and their students. This is because of the free speech protections provided by the First Amendment of the U.S. Constitution, which

apply to the states and its political subdivisions through the Fourteenth Amendment. The First Amendment does not guarantee access to property simply because it is owned or controlled by the government. But if government does open non-traditional forums (such as public schools) for expressive activities, it may not discriminate on the basis of content or viewpoint in granting access. Said differently, public schools are not generally *required* to open their facilities to any community group; however, when they do, all groups must be treated the same. Schools may impose reasonable time, place, and manner restrictions on access, but these restrictions must generally be content-neutral.

If HB 1356 were to pass, schools would not be able to deny the same access to students by outside groups as is granted to youth patriotic societies under this bill. HB 1356 essentially requires a public school to create a designated open forum for First Amendment free speech purposes. This in turn would require the school to provide the same access to this designated open forum (during instructional time) to other community groups who wish to have access. HB 1356 removes the individual district's ability to choose whether to create an open forum for free speech purposes. In addition, if a designated open forum exists, schools have very limited ability to control the content of the message of these groups or to pick and choose which groups to provide access, and which not to, based on the content of their message. We believe this ability to choose is essential. While many of the organizations that would be included in this legislation have noble causes, the idea that a district would be unable to control whether outside groups have access to students during instructional time is very troubling.

Finally, HB 1356 is unnecessary as these groups are not currently being denied access to most of our public schools. Rather, these groups are already being granted access by public schools across the state because schools are making the choice to allow such access. The proponents of HB 1356 appear to claim they are being denied access in larger school districts. This is simply not the case. NDSBA surveyed superintendents from our largest districts throughout the state and received responses from Mandan, Jamestown, Williston, McKenzie County, Valley City, Grand Forks, Bismarck and Dickinson. In all of these districts except Grand Forks and Dickinson, the Boy Scouts/Girl Scouts are already being provided access to students and parents for recruitment and informational purposes, usually in multiple ways and on multiple occasions throughout the sethool year. For example, in Valley City, Boy Scouts, Girl Scouts and similar groups have been allowed to set up a table during school registration, activity events, and other special events such as parent/teacher conferences. In Mandan, these groups have used school facilities to host a meeting for students and parents in the evening and they are also allowed to come into the school during lunch to visit with students who are interested in scouts. In Bismarck, elementary schools have allowed these groups to meet with students in the gymnasium after school and to send home materials with students to discuss with their parents. My children

attend Liberty Elementary in Bismarck and I can attest that the scouts have been allowed to present information to students and parents at parent/teacher conferences. In Grand Forks and Dickinson, there have been no recent requests for access; however, both districts confirmed they would permit access to students and parents during noninstructional time. I have attached to my testimony a summary of the responses we received from these districts. As you can see, even many of the large school districts are granting some form of access.

For all of these reasons, NDSBA stands in opposition to HB 1356, and we urge a DO NOT PASS recommendation. Thank you for your time and I would be happy to stand for any questions.



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## 1. Mandan

- a. Red Trail Elementary We allow access in two ways. They are allowed to use our facility to host a meeting in the evening and also, we allow them to come into our school during lunch to visit with students who are interested in Boy's Scouts, Club Scouts and Girl Scouts. In the past, we have also allowed them to come in at the end of the day, but moved it over lunch so that it didn't interrupt our classroom learning time. The lunch seems to work fairly well.
- b. Roosevelt Elementary We do the same as RT mostly. Boy and Girl Scouts can set up a table outside of the lunch room for every students to get a wristband with a date and time of an orientation meeting. The orientation meeting is almost always at the school and the regular meetings elsewhere. I don't recall being asked to hold meetings at the school. They also put yard signs in our lawns reminding them of day and time of orientation meeting.

## 2. Dickinson

Although we don't recall the Boy Scouts every asking to come in, we would allow them. We allow other groups to come in during registration, (ie. Best Friends Mentoring) and set up a display table recruiting participants. We would offer the Boy and Girl scouts the same opportunity.

## 3. Valley City

Valley City Public Schools has been very liberal in the access that we have granted to the Boy Scouts and other similar groups. They have in the past requested and been granted a table during school registration, activity events (girl scouts selling cookies), and other special events (parent-teacher conferences).

## 4. Grand Forks

Grand Forks Public School District allows tables to be set up at Back to School Night for all interested parties interested in promoting their program.

## 5. Bismarck

A request to come in has not been brought to the superintendent level within the last few years. Elementary schools have allowed leaders to visit with students at the end of the school day in the gymnasium and send home sign up materials for parents.

## 6. McKenzie County (Watford City)

We have allowed boys and girls scouts to have meetings in our buildings following school hours for no cost or obligation.



## 1 HB 1356 – Relating to a youth patriotic society's access to students during school hours.

## 2 NDCEL Opposition

3 Chairman Schaible and members of the Senate Education Committee. Thank you for the 4 opportunity to testify on this HB 1356. We are here today to testify in opposition to HB 1356.

Managing what should be in law and what should be managed by board policy is precarious. We 5 understand that you have that tough job each day of session. Today we ask you to do the same 6 7 thing in this bill. Please do not misconstrue this testimony to indicate that we have any ill will whatsoever with regard to the Boy Scouts or Girl Scouts – quite the contrary. Our objection is to 8 process. The leaders in your schools believe that the decision of who can come to the school and 9 10 speak to students should be up to the school and should be governed by local school board policy. HB 1356 takes that ability away from the principal, superintendent, and school board. We feel that 11 12 HB 1356 is well intended in that it would allow students to hear from Patriotic Societies, but we feel that the language of the bill could ultimately have a negative effect on the school, and students 13 by potentially putting a school into a forced decision that would put them in direct violation of 14 15 several areas of law and openly exposing our districts to litigation is something we'd ask you to 16 please reconsider. What my colleague with NDSBA outlined for you today is quite clear. Beyond 17 those points, there are other things to strongly consider:

- If access to the schools was a statewide pervasive problem that needed rectification via
   century code, are there multiple examples of school board minutes showing this?
- In light of the precious time our teachers have with our students regarding instructional time, is taking away from this time for recruitment into these societies appropriate?
- In light of the testimony on the reading amendment we just heard yesterday in 1388 is
   this where we should be additionally spending instructional time?
- If parents would like their students to be a part of the Boy Scouts and Girl Scouts do they
   have a responsibility to help them enroll, or does the assistance in recruiting for a group
   also now in the ever-growing responsibilities of teachers and schools?

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.



- If it is this group this session, where does it stop? Does this set a dangerous precedent?
- If it is a patriotic group whose definition of patriotism? There are definitions that are
   very right leaning and very left leaning....we can go from the 1776 project to the 1619
   project is it appropriate to remove the protective layer that our boards put in place with
   good policy?
- The intent of the bill is for the scouts, but the section of law referenced in the bill includes 89 organizations. Is it possible that those other groups would want that same access and find a way to fit under law? Those groups are attached online.

A part of the role of a school is to protect instructional time. Schools have locally established policies about groups coming in outside of instructional time and offer equal access rights to such groups on the basis of their local policy. Equal access is also a federal requirement for our schools which is an additional conversation we could have. Allowing this in-road into the regular school day and ultimately instructional time has the potential to erode the overall instructional obligation of the district.

This bill also does not state if a student **must attend** the presentation and recruitment. What about students whose religious or cultural believes do not coincide with these organizations? Are they forced to attend? According to the bill they would be. The bill also does not specify if parents need to be notified, which raises the question as to whether parents should have the ultimate say as to who could be recruiting their child and for what reasons.

Because of this we respectfully share our concerns on HB 1356 and hope that this body continues
to vote the way it has on this bill over the past couple sessions – Red.

#10610

#### §4072. Definitions

As used in this subchapter—

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(Pub. L. 98-377, title VIII, §803, Aug. 11, 1984, 98 Stat. 1303.)

#### §4073. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the subchapter and the application to other persons or circumstances shall not be affected thereby.

(Pub. L. 98-377, title VIII, §804, Aug. 11, 1984, 98 Stat. 1304.)

#### §4074. Construction

The provisions of this subchapter shall supersede all other provisions of Federal law that are inconsistent with the provisions of this subchapter.

(Pub. L. 98-377, title VIII, §805, Aug. 11, 1984, 98 Stat. 1304.)

#### SUBCHAPTER IX—STAR SCHOOLS PROGRAM

#### §§ 4081 to 4086. Repealed. Pub. L. 103–382, title III, § 364, Oct. 20, 1994, 108 Stat. 3975

Section 4081, Pub. L. 98-377, title IX, §902, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §301, Aug. 17, 1991, 105 Stat. 499, related to purpose of star schools program.

Section 4082, Pub. L. 98-377, title IX, §903, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 320; amended Pub. L. 102-103, title III, §302, Aug. 17, 1991, 105 Stat. 499, authorized grants for telecommunications facilities and equipment, instructional programming, and technical assistance.

Section 4083, Pub. L. 98–377, title IX, 904, as added Pub. L. 100–297, title II, 2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102–103, title III, 303, Aug. 17, 1991, 105 Stat. 500, related to eligibility of telecommunications partnerships for grants.

Section 4084, Pub. L. 98-377, title IX, §905, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 321; amended Pub. L. 102-103, title III, §304, Aug. 17, 1991, 105 Stat. 501, related to applications for grants.

Stat. 501, related to applications for grants. Section 4085, Pub. L. 98-377, title IX, §906, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 323, related to dissemination of courses and materials under star schools program.

Section 4085a, Pub. L. 98-377, title IX, §907, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 502, related to continuing eligibility for grants. Section 4085b, Pub. L. 98-377, title IX, §908, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 503; amended Pub. L. 103-227, title IX, §961, Mar. 31, 1994, 108 Stat. 263, required independent evaluation of the star schools program.

Section 4085c, Pub. L. 98-377, title IX, §909, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized assistance for acquiring satellite time.

Section 4085d, Pub. L. 98-377, title IX, §910, as added Pub. L. 102-103, title III, §305(2), Aug. 17, 1991, 105 Stat. 504, authorized grants for dissemination and technical assistance to State and local educational agencies.

Section 4086, Pub. L. 98-377, title IX, §911, formerly §907, as added Pub. L. 100-297, title II, §2302, Apr. 28, 1988, 102 Stat. 324; amended Pub. L. 102-73, title VIII, §802(c), July 25, 1991, 105 Stat. 361; renumbered §911, Pub. L. 102-103, title III, §305(1), Aug. 17, 1991, 105 Stat. 502, defined terms used in this subchapter.

For similar provisions, see section 6891 et seq. of this title.

#### SHORT TITLE

Section 901 of title IX of Pub. L. 98–377, as added by Pub. L. 100–297, title II,  $\S2302$ , Apr. 28, 1988, 102 Stat. 320, provided that title IX of Pub. L. 98–377 [enacting this subchapter] could be cited as the "Star Schools Program Assistance Act", prior to repeal by Pub. L. 103–382, title III,  $\S364$ , Oct. 20, 1994, 108 Stat. 3975.

#### CHAPTER 53—EMERGENCY IMMIGRANT EDUCATION ASSISTANCE

#### §§ 4101 to 4108. Repealed. Pub. L. 100-297, title I, § 1003(c), Apr. 28, 1988, 102 Stat. 293

Section 4101, Pub. L. 98-511, title VI, §602, Oct. 19, 1984, 98 Stat. 2401; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to definitions for chapter.

Section 4102, Pub. L. 98-511, title VI, §603, Oct. 19, 1984, 98 Stat. 2401, related to authorization and allocation of appropriations.

Section 4103, Pub. L. 98-511, title VI, §604, Oct. 19, 1984, 98 Stat. 2402, related to State administrative costs.

Section 4104, Pub. L. 98-511, title VI, §605, Oct. 19, 1984, 98 Stat. 2402, related to withholding.

Section 4105, Pub. L. 98-511, title VI, §606, Oct. 19, 1984, 98 Stat. 2402, related to State entitlements.

Section 4106, Pub. L. 98-511, title VI, §607, Oct. 19, 1984, 98 Stat. 2403, related to uses of funds.

Section 4107, Pub. L. 98-511, title VI, §608, Oct. 19, 1984, 98 Stat. 2404, related to applications.

Section 4108, Pub. L. 98-511, title VI, §609, Oct. 19, 1984, 98 Stat. 2405, related to payments.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

#### SHORT TITLE

Pub. L. 98-511, title VI, §601, Oct. 19, 1984, 98 Stat. 2401, provided that title VI of Pub. L. 98-511 was to be cited as the "Emergency Immigrant Education Act of 1984", prior to repeal by Pub. L. 100-297, title I, §1003(c), Apr. 28, 1988, 102 Stat. 293.

#### CHAPTER 54—LEADERSHIP IN EDUCATIONAL ADMINISTRATION

#### §§ 4201 to 4206. Repealed. Pub. L. 99–498, title V, § 501(b), Oct. 17, 1986, 100 Stat. 1514

Section 4201, Pub. L. 98-558, title IX, §901, Oct. 30, 1984, 98 Stat. 2902, provided for citation of chapter as "Leadership on Educational Administration Development Act of 1984" and contained statement of purpose and declaration of Congressional intent in enacting chapter.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

#### SHORT TITLE

Pub. L. 98-377, title VI, §601, Aug. 11, 1984, 98 Stat. 1295, which provided that title VI of Pub. L. 98-377 was to be cited as the "Excellence in Education Act", was repealed by Pub. L. 100-297, title II, §2303, Apr. 28, 1988, 102 Stat. 324.

#### SUBCHAPTER VII—MAGNET SCHOOLS ASSISTANCE

#### §§ 4051 to 4062. Repealed. Pub. L. 100–297, title II, § 2303, Apr. 28, 1988, 102 Stat. 324

Section 4051, Pub. L. 98-377, title VII, §701, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99-159, title II, §261, Nov. 22, 1985, 99 Stat. 901, related to authorization of appropriations.

Section 4052, Pub. L. 98-377, title VII, §702, Aug. 11, 1984, 98 Stat. 1299, related to eligibility requirements.

Section 4053, Pub. L. 98-377, title VII, §703, Aug. 11, 1984, 98 Stat. 1299; Pub. L. 99-159, title II, §262, Nov. 22, 1985, 99 Stat. 901, related to statement of purpose.

Section 4054, Pub. L. 98-377, title VII, §704, Aug. 11, 1984, 98 Stat. 1299, related to program authorization.

Section 4055, Pub. L. 98-377, title VII, §705, Aug. 11, 1984, 98 Stat. 1300, defined term "magnet school".

Section 4056, Pub. L. 98-377, title VII, §706, Aug. 11, 1984, 98 Stat. 1300; Pub. L. 99-159, title II, §263, Nov. 22, 1985, 99 Stat. 902, related to uses of funds

1985, 99 Stat. 902, related to uses of funds. Section 4057, Pub. L. 98-377, title VII, §707, Aug. 11, 1984, 98 Stat. 1300, related to applications and requirements.

Section 4058, Pub. L. 98-377, title VII, §708, Aug. 11, 1984, 98 Stat. 1301, related to special considerations in approving applications.

Section 4059, Pub. L. 98-377, title VII, §709, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 99-159, title II, §264, Nov. 22, 1985, 99 Stat. 902, related to prohibitions on use of grants.

Section 4060, Pub. L. 98-377, title VII, §710, Aug. 11, 1984, 98 Stat. 1301, related to limitation on payments. Section 4061, Pub. L. 98-377, title VII, §711, Aug. 11,

Section 4061, Pub. L. 98-377, title VII, §711, Aug. 11, 1984, 98 Stat. 1301; Pub. L. 98-558, title VII, §702, Oct. 30, 2004, 99 Stat. 2009, poltad to recumenta

1984, 98 Stat. 2900, related to payments.
Section 4062, Pub. L. 98-377, title VII, §712, Aug. 11, 1984, 98 Stat. 1302, related to withholding.

For similar provisions, see section 7201 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1988, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of this title.

#### SUBCHAPTER VIII-EQUAL ACCESS

#### §4071. Denial of equal access prohibited

#### (a) Restriction of limited open forum on basis of religious, political, philosophical, or other speech content prohibited

It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

#### (b) "Limited open forum" defined

A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

#### (c) Fair opportunity criteria

Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

## (d) Construction of subchapter with respect to certain rights

Nothing in this subchapter shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for studentinitiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee:

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

## (e) Federal financial assistance to schools unaffected

Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this subchapter shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

#### (f) Authority of schools with respect to order, discipline, well-being, and attendance concerns

Nothing in this subchapter shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

(Pub. L. 98-377, title VIII, §802, Aug. 11, 1984, 98 Stat. 1302.)

#### SHORT TITLE

Section 801 of title VIII of Pub. L. 98-377 provided that: "This title [enacting this subchapter] may be cited as "The Equal Access Act'."

## Do Pass Testimony of Doug Sharbono, citizen of North Dakota on HB1356 in the Sixty-seventh Legislative Assembly of North Dakota

Dear Chairman Schaible and members of the Senate Education Committee,

I am writing as a citizen and believe HB1356 is good legislation and ask for a "Do Pass" on it.

I have two children currently enrolled in Scouts USA, a patriotic body. Both were recruited by other scouts and leaders being present within the school they attended. The cub scout pack in which they joined, received no new members in the past year due to Scouts not being allowed in the school. This trend was similar in other cub scout packs and will eventually destroy a good organization in service to our society. Scouts USA needs HB1356.

I am also a member of Fargo American Legion Post #2, another patriotic body. In the past, the legion has provided children in schools information on Americanism and patriotism. HB1356 will ensure this fine tradition will continue.

HB1356 is well written. It provides patriotic organizations access to schools with the school principal determining the time, location, and method of meeting. I note that based on previous testimony, even the North Dakota Department of Public Instruction is in favor of this legislation.

Please do pass HB1356 for the benefit of our school-age children in North Dakota.

Thank you,

Doug Sharbono 1708 9<sup>th</sup> St S Fargo, ND 58103 The Honorable Members of the Senate Education Sub Committee North Dakota Senate State Capitol 600 East Boulevard Bismarck. ND 58505

#### Re: HB 1356

Dear Senators,

I am writing to urge your positive support of House Bill 1356, which would essentially allow very specifically defined, patriotic societies, such as Boy Scouts and the Girls Scouts, to speak to students during regular school hours at each public school during the first quarter of each academic school year to explain how students may participate or join. The school principal would still dictate the time, place and manner of the presentation. I believe that the successful passage of this bill is important for several reasons.

First, Scouting builds character and a commitment to community service. A landmark 2015 study conducted by Dr. Richard Lerner, founder of Tufts University's (Boston) Center for Applied Positive Youth Development, to analyze the effects of Scouting on 2500 young men in the Philadelphia area found that when compared to a control group of nonscouts, over time, the young men involved in Scouting made significant gains in character traits– cheerfulness, kindness, hopefulness, future expectations, trustworthiness, helpfulness, and obedience. The study also found that the Scouts were more likely than non-scouts to embrace *positive social Values*. For example, when the scout control group was asked "What's most important you?", they were more likely to respond with answers such as "helping others", or "doing the right thing". In contrast, the non-scout control group was more likely to respond with "being smart", "being the best", or "playing sports". Obviously, there is nothing wrong with those answers, but it does suggest that Scouts are more likely than non-scouts to be concerned about others and their community. I reference the Tufts Camp Study because it provides academic support for what we always knew, anecdotally - Scouting builds character and civic responsibility.

Second, Scouting builds better Schools and better families. It is easy to see how individual students and families would benefit from improving in character attributes such as cheerfulness, kindness, hopefulness, future expectations, trustworthiness, helpfulness, and obedience. However, I would suggest that schools as well. Regarding Schools, growth in these specific character traits would likely result in less truancy, less disciplinary violations, and better than average academic performance. It would also result in increased participation in extra-curricular activities such as clubs, band, student government, and sports. I have the pleasure of reading every Eagle Scout Application every year. Without exception, in addition to Scouting, these young men and now young women lead in their school clubs, sports teams, band, work and church programs as well. They tend to be honor roll students and have robust plans for their future that include College, the Military, and / or public service. I am confident that the 5000+ young men and young women that make up the Northern Lights Council membership, collectively, make their schools better, not worse.

Finally, the community and the State benefit from Scouting as well. For example, in 2020, despite a pandemic, Scouts in the Northern Lights council delivered 33,849 hours of community service including, but not limited to, collecting, and distributing 1,000's of pounds of food to Community Food banks. In addition, over 97 Eagle Scout Service projects were conducted with a minimum of 8,000 hours of community service alone. This does not include the 1,000's of undocumented service hours freely given by our volunteer leaders and parents. The Independent Sector values volunteer time at \$27.20 per hour. At this rate, our 41,849 hours of community service is valued at \$1,138,292. If this "contribution" were removed from our various communities, we would all feel the loss.

I understand that there has been some concern from schools about this bill will either a) create legal exposure from other organizations; or, b) the school district is losing local control. Regarding legal exposure. HB 1356 was specifically written to protect school districts. Some Superintendents have told us that they would like to allow a presentation, but they could not because of a fear of Lawsuits from other groups. HB 1356 is very narrowly focused and derives from a federal statute that defines specific organizations, which in North Dakota would be the Boy Scouts and Girl Scouts. The same legislation has been in effect in South Dakota for over two years and it has worked well without incident. Regarding "Local Control". HB 1356 specifies that local principals would control the "Time, Date, and Manner" in which the presentations take place. All that control is local.

Scouting builds Character and life skills including all 40 of the Developmental Assets identified by the Search Institute. The Scout Law teaches students to be Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, and Brave to name a few. These are all traits that make better students and are objectives in most of our State's school mission statements. Having positive role models both in school and after school creates an atmosphere for success. Scouting is run by local volunteers, primarily parents from all of our School Districts. And, every scouting unit – pack, troop, crew, post- is chartered to a community organization -- Kiwanis, Rotary, AM Vets, churches – in our local communities. Everything about Scouting is local. It is delivered by the community, for the community. But, we need the cooperation of the schools.

For Scouting to grow, we need to be able to make a brief presentation in schools each year. We are completely mindful of the burden that schools shoulder educating young people. We do not want to detract from that mission in any way. In fact, we support it. And, as I have showed, Scouting involvement reinforces the lessons taught in school. Unfortunately, most of the largest school districts in the state have a standing policy that bars all "non-school" groups from making any kind of presentation. In addition, some schools have even barred distributing recruitment fliers for what they call "non-school" activities. They rely on electronic newsletters or announcements that "fliers are available in the office if anyone wants them." This simply does not work.

The Northern Lights Council's Year end membership has dropped significantly over the past 5 years as schools have systematically barred presentations through policy. For example, our 2015 membership was 9,572. By 2019 it had dropped (-1,856) or 19% to 7,716. The primary factor between 2015 and 2019 was a lack of School Access. To illustrate, our average fall recruitment in 2015 was 1200+ new members. In 2019 it was just under 800. I am not including 2020

numbers because we did not attempt a major recruitment drive due to Covid-19. Regardless, it should be easy to see that lack of school access is hurting Scouting.

As I stated earlier, we are not trying to be a burden on schools. However, we believe that there is a viable "middle ground". We do not believe that a 5-minute presentation at the beginning of the school year would place an undue burden on instructional time. Especially, when the school Principal would rightly control both the "Time" and "Manner" in which the presentations would be conducted. In fact, we are not necessarily asking to be in classrooms as our presentations could be made during previously scheduled non instructional times. Examples include presentations in cafeterias during lunch or on the tail end of an existing school assembly. We are simply asking for an opportunity to present. I truly hope that you agree.

I am an Eagle Scout and the Father of an Eagle Scout. I know first-hand the added value that Scouting brings to the young women and young men who join either the Boy Scouts of America or Girl Scouts USA. My life was changed because of Scouting as was my son's. I assure you that I read that same sentiment in almost every Eagle Application that I sign. However, I and most of the scouts that I know of, may never have heard about the program without a short presentation that was done during school at the end of an assembly, cafeteria, or 5 minutes in a classroom.

I hope that you will look favorably on HB 1356. I believe that the future of Scouting depends on it. Please feel free to follow up with any questions. My email is <u>richard.mccartney@scouting.org</u>. My cell phone is 701.552.1822.

Sincerely,

Richard E. McCartney Scout Executive

## 2021 SENATE STANDING COMMITTEE MINUTES

## **Education Committee**

Room JW216, State Capitol

HB 1356 3/29/2021

# A BILL relating to a youth patriotic society's access to students during school hours.

Chair Schaible called to order at 3:24 PM.

## **Discussion Topics:**

• Committee Work

| Sen Elkin moved a Do Not Pass |                    |              |  |
|-------------------------------|--------------------|--------------|--|
| Sen Oban seconded             |                    |              |  |
| Roll Call Vote:               | 3-Yea; 3-Nay; 0-Ab | Motion Fails |  |

Chair Schaible indicates the committee will pick up the bill 3/30/21.

Adjourned at 3:37 PM

Lynn Wolf, Committee Clerk

| Senator           | Attendance |
|-------------------|------------|
| Chairman Schaible | Р          |
| Senator Elkin     | Р          |
| Senator Conley    | Р          |
| Senator Lemm      | Р          |
| Senator Oban      | Р          |
| Senator Wobbema   | р          |

| HB 1356           | Vote |
|-------------------|------|
| Chairman Schaible | Y    |
| Senator Elkin     | Ý    |
| Senator Conley    | Ν    |
| Senator Lemm      | Ν    |
| Senator Oban      | Y    |
| Senator Wobbema   | Ν    |

## 2021 SENATE STANDING COMMITTEE MINUTES

## **Education Committee**

Room JW216, State Capitol

HB 1356 3/30/2021

# A BILL relating to a youth patriotic society's access to students during school hours.

Chair Schaible called to order at 3:50 PM.

## **Discussion Topics:**

- Amendment
- Outside instructional time

Chair Schaible introduced amendment 21.0460.01003 #11699

Discussion

Adjourned at 4:00 PM

Lynn Wolf, Committee Clerk

| Senator           | Attendance |
|-------------------|------------|
| Chairman Schaible | Р          |
| Senator Elkin     | Р          |
| Senator Conley    | Р          |
| Senator Lemm      | Р          |
| Senator Oban      | Р          |
| Senator Wobbema   | Р          |

21.0460.01003 Title.02000 Adopted by the Senate Education Committee

March 31, 2021

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1356

Page 1, line 10, after "students" insert "outside of instructional time"

Renumber accordingly

## 2021 SENATE STANDING COMMITTEE MINUTES

## **Education Committee**

Room JW216, State Capitol

HB 1356 3/31/2021

# A BILL relating to a youth patriotic society's access to students during school hours.

Chair Schaible called to order at 9:07 AM

## **Discussion Topics:**

- Committee Work
- Amendment 21.0460.01003

Sen Elkin moved amendment 21.0460.01003 Sen Oban seconded Roll Call Vote: 4-Yeas; 2-Nay; 0-Ab Motion Passed

Sen Elkin moved a Do Pass as Amended Sen Wobbema seconded Roll Call Vote: 4-Yeas; 2-Nay; 0-Ab Motion Passed

## Sen Schaible will carry the bill

Adjourned at 9:27AM

Lynn Wolf, Committee Clerk

| Senator           | Attendance |
|-------------------|------------|
| Chairman Schaible | Р          |
| Senator Elkin     | Р          |
| Senator Conley    | Р          |
| Senator Lemm      | Р          |
| Senator Oban      | Р          |
| Senator Wobbema   | Р          |

| Amend 21.0460.01003 | Vote |
|---------------------|------|
| Chairman Schaible   | Y    |
| Senator Elkin       | Y    |
| Senator Conley      | Ν    |
| Senator Lemm        | Y    |
| Senator Oban        | Y    |
| Senator Wobbema     | N    |
|                     |      |

| HB 1356           | Vote |
|-------------------|------|
| Chairman Schaible | Y    |
| Senator Elkin     | Y    |
| Senator Conley    | Ν    |
| Senator Lemm      | Y    |
| Senator Oban      | Ν    |
| Senator Wobbema   | Y    |

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March 31, 2021

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1356

Page 1, line 10, after "students" insert "outside of instructional time"

Renumber accordingly

## **REPORT OF STANDING COMMITTEE**

HB 1356: Education Committee (Sen. Schaible, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Sixth order on the calendar.

Page 1, line 10, after "students" insert "outside of instructional time"

Renumber accordingly