2023 SENATE EDUCATION

SB 2356

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2356
1/30/2023

Relating to the parental right to attend activities in which a parent's child is participating.

11:00 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Private entities
- Unruly parents

Sen Rust, Dist 2, bill sponsor testified in support #17649

Joy Ankenbauer, parent, Bowbells, ND testified in support #17675

Kevin Hoherz, ND Council of Education Leaders, testified in support, no written testimony.

Alexia Baxley, ND School Boards Assoc., testified in opposition #17633

Melissa Hauer, ND Hospital Assoc. testified in opposition #17733

Dr J'Patrick Fahn, CHI hospital, ND Hospital Assoc testified in opposition. #17732

Additional written testimony:

Margo Knorr, Coleharbor, ND, in support #17654

Dr Aimee Copas, NDCEL, opposed #17553, #17552

11:27 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2356
2/1/2023

Relating to the parental right to attend activities in which a parent's child is participating.

9:50 AM Chair Elkin opened meeting. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Bill review
- Gate Fees
- Minor child
- Parental Authority

10:05 AM Chair Elkin closed the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2356
2/6/2023

Relating to the parental right to attend activities in which a parent's child is participating.

2:45 PM Chair Elkin opened meeting. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Committee action

Sen Conley moved a DO PASS on Amendment 23.1074.01001. #19350, #20611.

Sen Beard seconded the motion.

Senators	Vote
Senator Jay Elkin	N
Senator Todd Beard	Y
Senator Michelle Axtman	N
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	AB

VOTE: YES – 3 NO – 2 Absent – 1 Motion PASSED

Sen Conley moved a DO PASS as Amended.

Sen Beard seconded the motion.

Senators	Vote
Senator Jay Elkin	N
Senator Todd Beard	Y
Senator Michelle Axtman	N
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	AB

VOTE: YES – 3 NO – 2 Absent – 1 Motion PASSED

Sen Beard will carry the bill.

2:29 PM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

23.1074.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Beard
February 6, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2356

Page 1, line 8, replace "1. A" with "Unless otherwise provided in North Dakota Century Code or by court order, a"

Page 1, line 10, after the second "activity" insert ". This section does not permit an individual to attend a school-sponsored student activity without paying an admission fee if so required"

Page 1, remove lines 11 through 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 8, replace "1. A" with "Unless otherwise provided in North Dakota Century Code or by court order, a"

Page 1, line 10, after the second "activity" insert ". This section does not permit an individual to attend a school-sponsored student activity without paying an admission fee if so required"

Page 1, remove lines 11 through 13

Renumber accordingly

TESTIMONY

SB 2356

23.1074.01000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2356

Introduced by

Senators Rust, Beard

Representatives B. Anderson, Dyk, Longmuir

A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the parental right to attend activities in which a parent's child is participating.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:

Parental rights - Attendance at activities.

1. Unless otherwise provided for in ND Century Code or court order,

~~1.~~2. A school district may not prohibit a student's parent or guardian from attending a school-sponsored student activity in which the student is participating, including an extracurricular activity or cocurricular activity.

~~2.~~3. A private entity may not prohibit a minor child's parent or guardian from attending an activity in which the minor child is participating, including a competition, match, contest, or performance.

Testimony in Support with Amendment

SB 2356

Chairman Elkin and members of the Senate Education Committee. For the record my name is Dr. Aimee Copas. I serve as the executive director for the North Dakota Council of Educational Leaders serving your K12 school leaders and directors.

I come to you today generally supportive of this bill with a request for a minor but important amendment. I did visit with Senator Rust, the bill's sponsor with a request for an amendment and he was agreeable to such request.

This request is that this bill be in action except for when it is in conflict with other areas of century code or a court order that schools are obligated to execute. An example would be when we are not allowed to have such parent attend due to that court order for the safety of the student, or perhaps if that parent would be a convicted felon (example, sexual predator, etc). These instances are covered in century code and in court orders and we respectfully ask that you include this language to ensure we are in compliance with the law and courts.

Thank you for your consideration.

NDSBA
NORTH DAKOTA SCHOOL BOARDS ASSOCIATION
P.O. Box 7128
Bismarck ND 58507-7128
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SB 2356
Senate Education | January 30, 2023
Testimony of Alexis Baxley

Good morning, Chairman Elkin, and members of the Senate Education Committee. My name is Alexis Baxley, and I serve as the executive director of the North Dakota School Boards Association. NDSBA represents the elected school boards of all 170 public school districts and several special education units in North Dakota.

NDSBA opposes SB 2356. While we do not take issue with the intent of the bill, we believe there are too many safety-relative issues with bill as is to support. Extracurricular activities are a positive complement to a student's educational experience. Support from parents adds to that benefit.

However, school districts and other private entities must retain the ability to keep its students, staff, and other activity attendees safe in rare situations where other parents might create a risk. Some examples of these situations could include parents who are registered sex offenders, domestic and custody cases that could require protective orders, parents who have otherwise been banned from district property for harassing, threatening, or disruptive behaviors, and situations where referees and event officials may remove a parent from a game or activity due to bad behavior.

These types of incidents are rare, but do happen. Without the ability to prohibit parents who fall into one of the aforementioned situations from attending events and activities, a safety risk is created. Please consider either amending the bill to address these types of situations or give it a do-not-pass recommendation. Thank you.

Chairman Elkin, Vice-Chair Beard and Members of the Senate Education Committee:

For the record, I am David Rust, Senator from District 2.

I am sponsoring SB 2356 at the request of a constituent. During COVID schools held activities with few spectators in attendance. When the NDHSAA held its spring contests, parents were barred from attending the ND State Speech Contest. One of her children was a participant and she was forced to miss an event that meant a great deal to both her and her child.

SB 2356 is a "parental rights" bill that does two things:

1. Prohibits a school from barring a parent or guardian from attending a school-sponsored activity in which their student is participating and
2. Prohibits a private entity from doing virtually the same thing.

Since drafting the bill I've been asked about a legitimate exception whereby a parent may be prohibited by law or court order from being near his or her child. I believe someone will be speaking to that and I'm agreeable to an amendment addressing that.

I've asked the parent to provide testimony supporting this bill and she (possibly others) is here today to do that.

If you have any questions, I'll do my best to answer them.

Mr. Chairman.

Dear Chairman and Comittee members,

My name is Margo Knorr. I am fully in support of Senate Bill 2356.

During Covid, we as parents watched many grown adults behave in bizarre ways toward children and each other. Some adults were convinced of things untrue, and they worked very hard spinning their wheels attempting to control the spread of an airborne pathogen. They could no more claim they were controlling covid with their tactics than a chain link fence can claim to keep out flys.

These individuals who were operating off media stimulation, skewed data, and fear, were few, but painfully evident everwhere and often placed themselves in positions of authority. They even went so far as to attempt to prevent or restrict parents from being with their minor children at activities.

Hind sight: The targeted covid messaging and media blitz of fear, effectively damaged the mental health of even some of the most stable and educated minds. The fearful predictions of doom on TV every night, turned these once revered leaders into mentally unstable figures participating and promoting damaging behaviors towards children. If there was ever a need for parents or legal guardians to be present and in the room, it was during this time.

Some adults in leadership even went so far as to employ coersive testing strategies in their schools. They were using other people's children for the CDCs medical research and were being financially rewarded for this unethical behavior by our health department. Our state was alotted 22 million dollars for this use of our school children.

Adults we used to trust were participating in this and other unethical disease mitigation strategies that have since been proven harmful to children. I give you this background to remind you of just how ugly that time was.

A law like 2356 would have served to protect children. A parent accompanying their child and being present in the midst of activities, will often put the brakes on unacceptable behaviors towards children. I wish this was not a neceasary law but this restriction of parental rights and responsibilities was enacted by both the NDHSAA (a quasi- government association built by tax payer dollars) and by certain school districts.

I went to a basketball game during this time. My daughter was playing. The school hosting, was not allowing parents entry unless they had a blue ticket. I had paid the entry fee, but I had no blue ticket. Each child playing was given 2 tickets earlier in a profoundly imbecilic effort to control disease spread. I had to get into the game to even get my blue ticket from my daughter. The lady collecting tickets would not let me.

A law in place like SB 2356 would have ensured may parental rights to accompany my minor child at her activities. It would have been a welcome reprieve from adults who were determimed to do impossible things at the expense of children. And it would have deturred the irrational behaviors of adults who needed to be held accountable to a law that enforced a parents rights and responsibilities.

Thankyou for your time and consideration of my testimony. I urge you to give this bill a do pass.

SB 2356

Joy Ankenbauer, District 2, Bowbells, ND

I am still bothered by not being allowed to attend some of the public activities of my children during the Covid policies. I am asking that we work together to prevent this from happening in the future.

As some of you may remember, back in late 2020 and the beginning of 2021, several schools in the state had a rule that no fans from the opposing team could attend any of their sporting events. Some schools even enforced a “no fans allowed” rule. The schools that were allowing fans did so in varying ways, some of which restricted parents from attending their children’s events.

This happened in more than just schools. A local hockey club had parents drop their 5-year-olds off at the door, fully dressed in their hockey uniforms and skates. These are 5-year-olds. They will probably need assistance if they have to use the restroom in all that gear. Their parents are waiting outside in their car, not able to help them.

Another hockey club had a no fans allowed rule, and a friend of mine recalled the parking lot filled with parents, sitting in their vehicles, waiting during the game. This specific game wasn’t even broadcast, so they were not able to watch at all.

There are many more examples of parents not being allowed to support their kids at various events, both during school sponsored and club sports. You may have experienced some of these yourself or know someone who did.

Three of my kids were on the drama team for our little town of Bowbells. The regional competition was held with no spectators allowed. I was not able to attend and support my three kids during their regional drama competition.

In April of 2021, my son qualified for State Speech with a humorous duo. I, of course, wanted to attend to support him and watch his speech, which was about two friends trying to talk each other into bungee jumping. The NDHSAA is in charge of putting on this event, so I sent an email to them, requesting that I be able to attend my son’s event. (A few weeks prior to state speech, my son had

played in the regional basketball competition. The gym was packed with teams, families, and fans.) I received an email reply from the NDHSAA stating that, if I would attend to support my son, they "will omit that entry from the schedule." So, my son would be disqualified if his parent attended his event.

This should not happen.

Parents should not be prevented from attending their children's activities, for many reasons.

Having a parent at a sporting event or other competition means a lot to most kids. They know they are supported; that their parent is there for them. They know who to run to if they need a band aid, their glasses cleaned, someone to hold their stuff, or (most likely) money for concessions.

You don't have to look far to know about the abuse that happens to young children. Abuse happens way too often, and it's horrible what abusers do to children. Restricting parents from events of their children takes away a layer of protection from a young, vulnerable population.

Last winter, my son received a concussion after being hit in the eye during a basketball game. Last summer, my other son was hit on the side of the head while he was up to bat at a baseball game. Both my husband and I were present at these events and were able to make some important medical decisions, one which involved a trip to the emergency room for a CT scan. What would have happened had my husband and I not been there?

No one cares about their kid like a parent. No one cares more about all aspects of their safety, their well being, and their health. Please prevent parents from being barred from their child's activities.

I ask for a DO PASS for Senate Bill No. 2356

2023 Senate Bill no. 2356
Senate Education Committee
Senator Jay Elkin, Chairman
January 30, 2023

Chairman Elkin and members of the Senate Education Committee, I am J'Patrick Fahn, DO, Chief Medical Officer at CHI St. Alexius Medical Center. I appear on behalf of the North Dakota Hospital Association (NDHA). We oppose Senate Bill 2356 and ask that you give the bill a **Do Not Pass** recommendation.

The bill provides:

Parental rights - Attendance at activities.

1. A school district may not prohibit a student's parent or guardian from attending a school-sponsored student activity in which the student is participating, including an extracurricular activity or co curricular activity.

2. A private entity may not prohibit a minor child's parent or guardian from attending an activity in which the minor child is participating, including a competition, match, contest, or performance

I do not agree with Senate Bill 2356 as written. This bill does not make exceptions for parents who have had their rights taken away by the state under the direction of Child Protective Services (CPS) or may have another form of protective order against them on the child's behalf.

These parents being present may cause the minor undue anxiety or undue mental stress which could affect their feelings of well-being and safety and/or their performance if competing in a sport or arts related activity. The verbiage in subsection 2 is a bit ambiguous and, as a hospital chief medical officer, I worry that this bill could be applied to a variety of other circumstances that it may not originally be intended to apply. Under this bill, one could interpret that hospitals and clinics, most being private entities, would be required to

allow an abusive parent into the minor's room during a clinic or hospital visit as these could be interpreted as "an activity in which the minor child is participating". This potentially puts both the child, other family/guardians, and the healthcare staff at risk. I suspect this is not the intent of the bill but the scenarios described above do not seem to be addressed within this body of work.

For these reasons, we ask that you give this bill a **Do Not Pass** recommendation.

With appreciation,

J'Patrick Fahn, DO
Chief Medical Officer
CHI St. Alexius Medical Center

2023 Senate Bill no. 2356
Senate Education Committee
Senator Jay Elkin, Chairman
January 30, 2023

Chairman Elkin and members of the Senate Education Committee, I am Melissa Hauer, General Counsel/Vice President, of the North Dakota Hospital Association (NDHA). NDHA represents hospitals and health care systems in North Dakota. We oppose Senate Bill 2356 and ask that you give the bill a **Do Not Pass** recommendation.

This bill would create a new section in the chapter of the North Dakota Century Code that regulates the relationship between a parent and their child. While the intent of the bill sponsors may have been to regulate schools only, it is so broadly written that it would apply to any private entity – including hospitals. The bill provides that a private entity may not prohibit a minor child's parent or guardian from attending an activity in which the minor child is participating. It does not restrict this subsection to educational settings only.

We are very concerned that the bill would require hospitals, clinics, and any health care provider to allow a parent, even those that have had their decision-making authority over their child taken away by a court or who have had a restraining order against them, to participate in the child's medical care in any way the parent might demand. Often parents in these situations are at odds with each other over decision making for the child and that is why a court has had to step in.

I would like to introduce physician J'Patrick Fahn, DO, who is the Chief Medical Officer for CHI St. Alexius in Bismarck. He will provide you with examples of the kinds of situations that would become problematic for hospitals if this bill were to pass.

For these reasons and those that Dr. Fahn will explain, we ask that you give the bill a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have.

Respectfully Submitted,
Melissa Hauer,
General Counsel/VP

23.1074.01001
Title.

Prepared by the Legislative Council staff for
Senator Beard
February 6, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2356

Page 1, line 8, replace "1. A" with "Unless otherwise provided in North Dakota Century Code or by court order, a"

Page 1, line 10, after the second "activity" insert ". This section does not permit an individual to attend a school-sponsored student activity without paying an admission fee if so required"

Page 1, remove lines 11 through 13

Renumber accordingly

23.1074.01001

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2356

Introduced by

Senators Rust, Beard

Representatives B. Anderson, Dyk, Longmuir

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SECTION 1. A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:

Parental rights - Attendance at activities.

~~1.~~ ~~A~~Unless otherwise provided in North Dakota Century Code or by court order, a school district may not prohibit a student's parent or guardian from attending a school-sponsored student activity in which the student is participating, including an extracurricular activity or cocurricular activity. This section does not permit an individual to attend a school-sponsored student activity without paying an admission fee if so required.

~~2. A private entity may not prohibit a minor child's parent or guardian from attending an activity in which the minor child is participating, including a competition, match, contest, or performance.~~