



NDSBA
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HB 1352

Testimony of Amy DeKok

House Industry, Business & Labor Committee

January 26, 2021

Chairman LeFor and members of the House Industry, Business & Labor Committee, my name is Amy DeKok. I am in-house Legal Counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I submit this testimony in firm opposition to HB 1352.

Our schools serve arguably the most vulnerable population of citizens. Parents entrust their children to our schools to protect them and keep them safe from harm, especially preventable harm. If passed, HB 1352 will make it even more difficult for schools to keep kids safe and protected. School immunization requirements play an important role in increasing immunization rates and ensuring environments where children congregate are safe.

North Dakota already has one of the most relaxed school immunization policies in the country. North Dakota allows medical, religious, and moral/philosophical exemptions. Parents simply have to sign a document prior to school entry to claim a religious, moral/philosophical exemption. North Dakota is only one of 15 states that still allows moral/philosophical exemptions; many of the other states that allow philosophical exemptions require a notary signature or education from a healthcare provider prior to claiming such an exemption. Five states only allow medical exemptions and do not offer religious or philosophical exemptions. According to data from the ND Department of Health, North Dakota kindergarten exemption rates have increased most years. This past school year, personal belief (philosophical, religious) exemption rates were 3.91% (395 children). Up from 3.60% the previous year. Since the 2007-2008 school year, a 240 percent increase in exemptions has been reported in North Dakota. HB 1352, if passed, would continue and likely increase this dangerous trend as it would essentially eliminate the vaccinations required for entry to school as set forth in NDCC § 23-07-17.1.

NDSBA is also concerned about the likely unintended consequences HB 1352 would have on the IEP (individual education plan) process required by the Individuals with Disabilities in Education Act (IDEA). That process requires schools to form an IEP team to make necessary and appropriate decisions regarding a student's receipt of special education and related services by the school. It is common for these decisions to involve the provision and use of medical devices or products. Due to the broad definition of "medical product"

in the bill, HB 1352, if passed, may hinder or delay the ability of a student's use of these necessary devices or products in school.

For all of these reasons, NDSBA urges a Do Not Pass recommendation on HB 1352. Thank you.