



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

NDCEL Opposition

Chairman Schaible and members of the Senate Education Committee. Thank you for the 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 understand that you have that tough job each day of session. Today we ask you to do the same 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 process. The leaders in your schools believe that the decision of who can come to the school and 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 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 by potentially putting a school into a forced decision that would put them in direct violation of several areas of law and openly exposing our districts to litigation is something we’d ask you to please reconsider. What my colleague with NDSBA outlined for you today is quite clear. Beyond 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.

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- 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 beliefs 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.