23.0421.05000

Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2260

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Dyk, Heilman, Novak

A BILL for an Act to create and enact a new section to chapter 14-09 and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to fundamental parental rights and parental involvement in education.

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 and responsibilities - Fundamental rights.

1. As used in this section, unless the context otherwise requires:
   a. "Child" means an individual under the age of eighteen.
   b. "Parent" means a biological parent of a child, an adoptive parent of a child, or an individual who has been granted exclusive right and authority over the welfare of a child under state law.
2. This state, any political subdivision, or any other governmental entity may not substantially burden the fundamental right of a parent to direct the upbringing, education, health care, mental health, and moral or religious training of that parent's child without demonstrating that the burden is required by a compelling governmental interest as applied to the parent and the child and is the least restrictive means of furthering that compelling governmental interest.
3. Parental rights are reserved exclusively to a parent of a child without obstruction by or interference from the state, a political subdivision, or a governmental entity, including the right to:
   a. Access and review a written or electronic educational record relating to the child which is controlled by or in the possession of a school.

b. Be notified promptly by an authorized representative of the state, a political subdivision, or other governmental entity if an employee of the entity suspects abuse, neglect, or a criminal offense has been committed against the child, unless the employee has reasonable cause to believe the parent committed the offense.

c. Opt the child out of any personal analysis, evaluation, survey, or data collection by a school district which would capture data except what is necessary to establish a student's educational record.

d. Have the child excused from school attendance for religious purposes.

e. Participate in parent-teacher associations and school organizations.

4. This section does not authorize or allow a parent to abuse or neglect a child as provided under sections 14-09-22 and 14-09-22.1.

5. This section does not:

a. Apply to a parental action or decision that would end life.

b. Prohibit a court from issuing an order that is otherwise permitted by law.

6. An employee of the state, a political subdivision, or a governmental entity, except for law enforcement personnel, may not encourage or coerce a child to withhold information from the child's parent and may not withhold information that is relevant to the physical, emotional, or mental health of the child from a child's parent.

7. A school board shall indemnify and hold harmless all school personnel for a violation of this section.

SECTION 2. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Parental involvement.

1. As used in this section, unless the context otherwise requires:

a. "Child" means an individual under the age of eighteen.

b. "Curriculum" includes textbooks; reading materials; handouts; videos; presentations; digital materials; websites; online applications; digital applications for a phone, laptop, or tablet; questionnaires; surveys; or other written or electronic materials that have been or will be assigned, distributed, or otherwise presented physically or virtually to students in a class or course.

c. "Parent" means a biological parent of a child, an adoptive parent of a child, or an individual who has been granted exclusive right and authority over the welfare of a child under state law.

2. The board of a school district, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to promote the involvement of parents of children enrolled in the school district, including:

a. A plan for parent participation designed to improve parent and teacher cooperation in areas including homework, attendance, and discipline;

b. Procedures to inform a parent about the course of study for that parent's child and review curriculum. These procedures shall allow a parent to:

(1) Review the curriculum for each class or course in which a parent's child is enrolled; and

(2) Meet with the teacher of the class or course, the principal, or other representative from the school to discuss the curriculum and teacher training materials.

c. Procedures to allow a parent to opt-out of any instruction the parent deems inappropriate for that parent's child;

d. Procedures by which a parent may learn about parental rights and responsibilities under this section and section 1 of this Act; and

e. A policy providing a school may not require an individual to use pronouns to refer to a child which do not align with the child's sex.

3. The board of a school district may adopt a policy to publish the information required by this section in an electronic form.

4. A parent shall submit a written or electronic request for information pursuant to this section to the school principal or the superintendent of the school district. Within ten days of receiving the request for information, the school principal or the superintendent shall deliver the requested information or a written explanation of the reasons for the denial of the requested information to the parent. If the request for information is denied or the parent does not receive the requested information within the allotted time, the parent may submit a written request for the information to the

board of the school district, which shall consider the request during executive session at the next meeting of the board.

5. A school board shall indemnify and hold harmless all school personnel for a violation of this section.