



Great Public Schools

Great Public Service

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**Testimony Before the House Human Services Committee**  
**HB 1362**  
**Monday, January 30, 2023**

Chairman Weisz and members of the Committee, for the record, my name is Nick Archuleta, and I am the president of North Dakota United. I appear before you today in opposition to HB 1362 and to urge a ***do not pass*** recommendation for this bill.

Mr. Chairman, in reviewing HB 1362, I am not sure this bill is even necessary. I did a bit of research over the weekend and learned that the fundamental rights in the “companionship, care, custody, and control of children are considered implicit in the Due Process Clause of the 14<sup>th</sup> Amendment, as a form of ‘liberty’ that may not be infringed upon without due process of law.” (Minn.App.1998)

In ND, Mr. Chairman and members of the Committee, the ND Supreme Court has ruled consistently since the 1943 case, *State v. Cromwell*, that parents have fundamental rights regarding their children. According to Google Scholar, the ND Supreme Court has reliably ruled that “Parents have a fundamental, natural right to their children which is of constitutional dimension.”

Chairman Weisz, given that the Supreme Court of the United States and the ND Supreme Court have already ruled on the fundamental rights of the parent, we are at a loss to identify the problem this bill is trying to solve. In North Dakota, public school teachers, administrators, and school boards have historically worked with parents to put their children at the center of our best intentions. We have adopted best practices in classroom management and pedagogy. We have incorporated educational standards developed by North Dakota teachers for North Dakota’s students. We have developed and employed any number of means to improve and maintain communications with parents in every neighborhood served by a public school in North Dakota.

Mr. Chairman, HB 1362 takes none of that into account. This proposed legislation, if it were to pass both chambers and be signed into law by Governor Burgum, would make it very difficult for teachers, administrators, and school boards to develop and implement a variety of strategies and policies necessary to ensure effective teaching and learning in schools across North Dakota. Subsection 4 of Section 1 indicates, to me at least, that North Dakota's education systems are subservient to the wishes of every parent in North Dakota. At the local level, it seems, one or two parents could scuttle whole strategies for continuous school improvement for any reason or none at all. In short, under this legislation, the will of the majority of those who elected a local school board could be stopped by the will of a few disaffected citizens. And how far does the parental primary role extend? Can they make hiring decisions? Can they terminate teachers and principals with whom they disagree?

Mr. Chairman and members of the Committee, North Dakota's teachers have told us, and shown us, that they value parental involvement in the education of their children and that they want more of it. Parents currently have myriad avenues by which to know what is being taught in their kids' classrooms, and which materials are being utilized to enhance student learning. Locally elected school board members, administrators, and teachers are happy to talk to parents about their child's education.

With that, Chairman Weisz and members of the Committee, I urge a ***do not pass*** recommendation for HB 1362.