

## Testimony to ND Legislators on SB 2360 – March 14, 2023

Chairman Representative Klemin, Vice-Chair Representative Karls, and Representatives of the Judiciary Committee, thank you for the opportunity to address you on Senate Bill 2360.

I am Dan Wakefield from Devils Lake, a recently retired high school teacher.

On February 14<sup>th</sup> I submitted written and oral testimony to the Senate Judiciary Committee on SB 2360. I return today to testify in support of that bill based on and sharing in part what I have personally experienced in education related to an important objective of that bill:

“required safety policies and technology protection measures ... relating to obscenity control.”

This law, I believe, is critically needed at this moment to stop ongoing, ever-expanding exposure of our children and youth to extremely inappropriate, damaging media in schools and communities across our state.

In the Fall of 2021, I discussed with a teaching support specialist in our district the serious roadblock low reading comprehension of many students presents to their academic success and negative consequences for them on leaving school. That staff member applied for, and our school was awarded “Federal Striving Readers Grant” money to purchase books. In late Fall of 2021, and again in January 2022, DLHS received several boxes containing an assortment of paperback books that were placed in all Social Studies classrooms. I briefly overviewed the first shipment into my classroom. They were a cross-section including fantasy, science-fiction, sports, history, and books about teenage relationships. When the second set of books came in January, some appeared suspect and possibly inappropriate for public high school students based on their blurbs and book covers. I decided to put them in a large, locked cabinet. In early June, the box of books came to my attention again as I was completing checking out of school, so I spent time reviewing them.

Though I did not take time to review all of the many books that dealt with relationships, some I believe fit Merriam-Webster’s Collegiate dictionary definitions of - obscene - “abhorrent to morality or virtue *specifically*: designed to incite lust or depravity”; and prurient – “marked by or arousing an immoderate or unwholesome interest or desire; esp.: marked by, arousing, or appealing to sexual desire.” (Proscriptive terms applied in SB 2360)

These were books I reviewed from the Federal Striving Readers Grant with important themes:

***A Very Large Expanse of Sea by Mafi – sporadic language that didn’t seem to do anything for the story – Fuck – Asshole – Shit***

***I Hope You Get This Message by Farah Naz Rishi – begins with homosexual encounter in the first chapter***

***White Fragility: Why It’s So Hard For White People To Talk About Racism by Robin Diangelo – prominent Critical Race Theory book - no other book in the collection providing a counter view***

*Unpregnant by Hendricks and Caplan – boy gets girlfriend intentionally pregnant – girl goes on a 900 mile road trip with friends for abortion*

*The Music of What Happens by Konigsburg - teen boys working together becomes gay sexual relationship*

*We Are Totally Normal by Kanakia – protagonist has gay and straight sex experiences against a backdrop of high school socializing and partying*

*Odd One Out by Stone – graphic raw sex – a three way*

At the conclusion of the June school checkout, I advised administration that the books that had come into the high school from federal grant money needed to be reviewed because of inappropriate content before they were put into circulation for the coming school year. I was thanked for the heads up. I also informed a colleague who was still in the building about the books. The response was, well that's not so bad; it would be different if staff were assigning or teaching from those questionable books. When I shared that response with a leading North Dakota early childhood educator, her response was – what? That would be like knowing drugs are in the school, but staff are not pushing them so it's not a problem and we don't need to do anything about it.

What follows next is my response as a parent and long-time educator. They are the reasons I'm testifying.

But first I need to preface my comments: I believe those reactions to what happened in my school and what is likely happening all across ND is more lackadaisical or indifferent than willful. When I asked our teaching support specialist in June how we ended up with trash books, she told me when she ordered, she asked the out of state company filling the order for a cross-section of books appealing to a variety of subject areas and interests. She was surprised to learn when I told her what showed up in the boxes in our school from being awarded the Federal Striving Readers Grant.

Overall, this is a worrisome eye-opener for families and their students that attend our schools for the following reasons:

1. The books I mentioned above fit the proposed law's average, reasonable person standard in SB 2360 – quoting from Section 1. Amendment. Subsection 5. provisions – the books that ended up in my school appeal to a prurient interest, describe patently offensive sexual conduct, and/or lack serious literary, artistic, or scientific value.
2. Standards absent for filtering objectionable materials could be a growing trend in my school. The Federal Striving Readers Grant money books were not a one-off experience last Spring for inappropriate books coming into our school. Personally, while waiting to consult counselors on school matters, I paged through a brand-new hardcover in the sitting area outside the counselors' offices. While subbing for another teacher, I found another brand-new book prominently displayed. A very quick look revealed both books teenage main characters engaged in the same graphic sexual language and themes. In the past several years, on many occasions, I paged through new books in our school library. Prior to this past school year, I have never found sexually explicit books directed at young people in our school building.
3. These inappropriate books, cited in this testimony, meet SB 2360's definition of lack of serious literary, artistic, or scientific value promoting obscenity to minors. Whenever these materials

are accessible in schools across ND, they made me and by extension all school staffs complicit, intentionally, or not, and without our consent, for the sexualizing of minor children and youth.

4. In our schools, I believe staff is mostly not willful in participating in the placement of inappropriate sexual materials. But because they are busy, they are somewhat oblivious or distracted to an apparent disturbing trend. Infrequently, I have heard this unfortunate, dismissive comment: Well, they (students) have heard / seen all of that before – the implication being, so what difference does it make in the schools? Sadly, it is true that studies show large percentages of children as young as nine have been exposed to hard-core pornography. Most teachers and staff do not want to contribute to that ongoing tragedy.
5. SB 2360 correctly recognizes the widespread transmission and reception of digital and online media in ND schools. Recently, both LRSC and DLHS have eliminated most of their book stacks in their school libraries. My high school in recent years has been promoting online reading and research in all subject areas. The high school library has promoted the reading of digital books and novels as well. Student cell phones and computer tablets are ever-present and in use in school buildings. Much of the school day students are given the freedom to access their phones on web sites other than those promoted by the school to increase learning. Obviously, the intent of this law cannot be realized without robust web filters in schools and school compliance to prevent inappropriate online content to circulate in schools.
6. Objection to this proposed law will be made that students should be able to read and access whatever they want in schools as part of learning and in the name of free speech. Along that line, the argument goes that not allowing students to read about homosexual, bisexual, or any other variations of sex is discriminatory and hateful. Most average, reasonable, persons, as the proposed law states, would reject that assertion for reasons from time immemorial related to natural law: that students as minor children are dependents and do not have the same rights, or maturity to engage in outcomes related to sex as adults; and that the intent of parents, guardians, and the local community in supporting education through schools is academic learning. Promoting any manner of heterosexual, homosexual, bisexual, or any other sex has never been supported or recognized as the role of schools in North Dakota.
7. Another objection will be made that North Dakota will lose money, or talent, or business, or people because ND is not inclusive or fair or doesn't guarantee equal outcomes. These assertions are getting tired and more and more worn out and can't be substantiated. In fact, it is just the opposite. Look at population trends around the country. Forcing LGBTQ... media and curriculum into schools is just one more of many, many reasons, more and more people are voting with their feet and moving to states like Florida, Idaho, Texas, and yes, now the Dakotas. That in-migration, including younger parents and families is on, to our towns and cities, even despite our winters. More and more people are attracted to a people and a place like North Dakota that still values the innate dignity and shared humanity of everyone instead of dividing people based on categories.
8. Parents and Guardians: The most important reason to support SB 2360 is because it helps preserve the primary relationship between minor children and their parents or guardians' role as the first and primary teachers of personhood and identity in guiding their minor children; and to not cause that role to be undermined by state power pushed through the schools. This concern of parents and guardians about their natural rights to guide their children in the values of personhood and identity is also the reason for the upsurge in home schooling,

private, and parochial education. The concern is now so great, but for the financial sacrifice, we would see a large increase away from public education, even in North Dakota.

To conclude: In our school, we took action to improve literacy – and what happened? An out of state vendor sent us books and is sending books all over the country with federal tax money that are highly inappropriate. In our school those books went right past the superintendents and business' office down the hallway into classrooms – into my classroom - without needed adult oversight- why? In large part because we presume schools are safe – not an environment that blatantly assaults our youth.

Books were ordered to improve literacy. I didn't ask for these books, nor did staff, and certainly not the parents and guardians of our students.

In conferences and communications with parents and guardians what are their concerns and interests? – academic success is at the top of the list – including subject areas like biology, anatomy, and physiology – but not to have the school hyper-sexualize their children.

During the Senate testimony, proponents testified this law is not needed because federal law protects students from inappropriate content – really? Not now at DLHS and likely other schools in ND that use federal grant money to improve literacy. Don't expect federal enforcement anytime soon from government that is now funneling obscene media into classrooms.

Librarians testified they saw no obscene material in libraries accessible to minor children. Critics of this legislation warn this is book banning.

This concern isn't about banning books. This is about our schools using age-appropriate books. Where is the adult supervision in the room? If your teenager asks to borrow the car, would you intentionally leave a 12 pack in the front seat? If you have children who are fascinated by fireworks, do you hand them a can of gasoline and matches and tell them to go play in the garage?

Another criticism – this will create costly lawsuits against ND from powerful individuals and organizations.

Well, what is a child's innocence worth? What are your children's and grandchildren's values worth?

This law is needed – I visited my former classroom a couple weeks ago – the books I alerted administration to last June remain in the bookcase for use by students.

Inappropriate media is spilling into our schools. The federal government using public tax money made me complicit – it made our staff and school complicit.

This law will send an important message to busy, distracted, and indifferent adults. It will help protect vulnerable children and youth where they congregate. The bill specifically mentions school libraries. But books and other media are all over schools. For clarity, schools should be specifically mentioned regarding the use of textual as well as digital materials in this proposed legislation. I did not find it.

I urge passage of this important first step, but more legislation is needed. I understand this is all that may be possible in this legislative session.

Cell phones and other internet devices are everywhere in many schools and libraries. Students access them throughout the school day. Websites like Tik Tok can be blocked by filters – but that does nothing to prevent a free flow of sometimes negative messaging and images on students' cell phones resulting in bullying or students accessing embarrassing, demeaning, obscene or violent videos. The net effect: every school day of this growing culture of distraction results in significant loss of learning and personal degradation.

Last year the federal government made my school complicit by funneling destructive age-inappropriate media to our students.

SB 2360 is an important remedy that can help. We have a federal system – you – we in ND don't have to be complicit.

Thank you for your attention. I stand for your questions.

Dan Wakefield

Devils Lake

*Note to the House Judiciary Committee: On the next page you will see photos of the bookcase with books in my classroom (the other half of the order remained in a secure cabinet until the end of the school year) and a placarded book from the Federal Striving Readers grant of the type placed in all the Social Studies classrooms.*



ONE!

Odd One Out

Purchased with Federal Funds  
through the Striving Readers  
Grant