



1 Testimony in support with request for amendment

2 HB 1362

3 Chairwoman Lee and members of the Senate Human Services Committee. For the record
4 my name is Dr. Aimee Copas and I serve as the executive director for the North Dakota
5 Council of Educational Leaders. NDCEL represents all your school leaders throughout
6 the state including Superintendents, Principals, and all other administrators and
7 directors.

8 We come to you today with enthusiasm that parents are so very excited about engaging
9 in the lives of their children and in their children’s education. We do ask for a minor
10 amendment to this bill so that it is very clear the role of education in the lives of the
11 children and in partnership with the parent. For years we as educators have witnessed
12 the real retreat of parental involvement in our schools and lack of desire for parents to
13 provide ground rules, basic parenting in manners, conduct, and in support of our
14 educators who are not only trying to teach them basic academics but who are acting *in*
15 *loco parentis* as is their responsibility according to the setting they work in. “In loco
16 parentis” refers to the rights and responsibilities that certain organizations or individuals
17 have about minors under their care. The term is typically used in reference to schools
18 with respect to how the teachers and staff should behave toward the students. It can be
19 used in a way that is meant to ensure schools have the rights to do what is necessary in
20 the students' best interests, such as locker searches. “In loco parentis” can also refer to
21 the responsibilities a teacher has for his or her students as the acting guardian for
22 students in a classroom. As defined by the courts, this phrase has two fundamental
23 applications about how schools and school employees are expected to behave with

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1 students. One major use of the term is in reference to the rights schools have about
2 students and behavior issues. Since a school is seen to be acting in the place of the
3 parents of every student at the school, the school is expected to act in the highest regard
4 to all students. This is the basis for actions such as locker searches, student conduct
5 policies, and dress codes. Truly – local educators and school employees (teachers,
6 administrators, paras, bus drivers, cooks, aids, coaches, etc.) are all key partners in
7 assisting to create the contributing citizens to our state and world that we are hoping to
8 create.

9 We love the concept of this invigoration in parent engagement because we as educators
10 really miss the days of when a teacher would call home with an issue that was being seen
11 at school and the parent was a partner in a resolution instead of immediately assuming
12 their child could have “NEVER” done anything like that and point blame back at the
13 school. Remember when we got in trouble at school, and it usually meant we were in
14 more trouble when we got home? As educators, we are telling you-that partnership is
15 one that we miss terribly. The kids know they have the upper hand in this one. They’re
16 smart – and we (educators and parents) need to re-lock our arms. Parents stepping back
17 into the arena with us is wonderful.

18 Please know our educators approach their life’s work and life’s mission – to provide for
19 a great education for kids – with a heart to do what is right for all students who enter
20 the doors of their schools. Schools have witnessed a development of hostility to
21 education in the national rhetoric and it has seeped into the fiber of North Dakota. Most
22 parents would say...”my kid’s teacher is fantastic, but we are fearful that our system of
23 public education indoctrinates children in a left-wing ideological agenda; that public

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1 schools alienate children from their families and cultures, thereby undermining parental
2 authority; and that, basically, the goal of public education is to enlist children on the
3 wrong side of our current culture wars. Except...have you recently noticed the
4 conservative nature of our state? Your teachers and administrators and school staff are
5 a part of the North Dakota culture too. We are your next-door neighbors, were your
6 friends in high school, go to your church, have children in those schools as well, and by-
7 in-large have the same conservative mindset of the parents they work with. We implore
8 you to not allow this to become a playground for hostility. Allow this law to guide
9 partnership.

10 This brings me to our request for a clarifying amendment. This amendment does not
11 change the spirit of the bill, but rather helps everyone understand their role and perhaps
12 aligns it even more appropriately. One area is in defining what a fundamental liberty
13 and what a fundamental right is in accordance with this potential section of law.
14 “Fundamental,” “liberty,” and “right” are all terms that create a lawyers dream of grey
15 area. They are used throughout US law in more ways than one can imagine. It is
16 important to clarify what that means in this section of law.

17 Please see the attached amendment. We would ask that in the definition section we
18 add a definition of “fundamental liberty” and “in loco parentis” as it pertains to this
19 section of code. Fundamental liberty is “implicit in the concept of ordered liberty” that
20 “neither liberty nor justice would exist if they were sacrificed. In a public school
21 setting when parents are not physically present, fundamentals of in loco parentis are
22 required. The term “in loco parentis” is a Latin phrase that translates as “in place of a
23 parent” or “instead of a parent” and refers to how schools’ teachers and school

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1 administrators are expected to act with reference to students and other minors. In
2 other words, the employees of a school are charged by the parents of the students to
3 act on their behalf while the students are there.

4 We furthermore ask that section 4 be removed from the bill or amended to indicate the
5 partnership between schools and parents. We'd ask it to be stricken or adjusted to
6 reflect the following more accurate depiction:

7 4. The state's K-12 education systems are supportive and secondary to the primary
8 role of a parent. The legislative assembly is the primary stakeholder in the
9 establishment, maintenance, and success of the state's education systems. ~~The~~
10 ~~department of public instruction is the primary stakeholder in the state's public~~
11 ~~education system. The board of a school district is a secondary stakeholder in~~
12 ~~the state's public education system.~~ The key stakeholder in the execution of the
13 will of the legislative assembly is the public-school systems, including teachers,
14 administrators, school boards and all school staff in partnership with parents.

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