

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

Mr. Chairman ~~Senator Larsen~~, Members of the Committee, ~~Senators~~ thank you for the opportunity to address ~~you on~~ Senate Bill 2360

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

In previous testimony before this committee ~~On January 24<sup>th</sup> I submitted an extensive written testimony to this committee related to Senate Bill 2260 and Senate Bill 2231. One part of that written testimony directly relates to a major objective of Senate Bill 2230 — required~~ I addressed the need for safety policies and technology protection measures for students in public schools. ~~At the end of my oral testimony on January 24<sup>th</sup>, I ran out of time and only made a cursory remark regarding~~ Today I would like to address inappropriate books in schools, a principal concern of this legislation, one of which I tendered as an exhibit in Senate Bill \_\_\_\_\_ ~~—and left a book with you as an exhibit.~~

~~With your approval, I would like to briefly address why~~ The bill you are considering here is critically needed. ~~I would expand on that one comment using recent experience that is applicable to schools across our state.~~

~~In~~ 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 their January shipment, 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 the books that dealt with relationships, some fit Merriam-Webster's Collegiate dictionary definition of prurient - "marked by or arousing an immoderate or unwholesome interest or desire; esp.: marked by, arousing, or appealing to sexual desire."

These were books I reviewed from the Federal Striving Readers Grant ~~with important themes that I found inappropriate:~~

*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 for appropriateness of 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 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.

1. The proposed law's average, reasonable person standard: The books I mentioned above fit the proposed law's average, reasonable person standard in SB 2360 – quoting from Section 1. Amendment. 5. a., b., c. 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 books, when accessible in the classrooms, along with other locations in schools across ND, made me and by extension all staff 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. Our high school in recent years has been promoting online reading and research in all subject areas as well as our library high school the promoting and reading digital books and novels. 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 variation 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 is 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... 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. The in migration, including younger families, is on to our towns and cities, even despite our winters, because more and more people are attracted to a people and a place like North Dakota that still values the innate dignity of everyone instead of dividing people and valuing people based on categories instead of their natural humanity.
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 / 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 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.

*Attached photos of the Federal Striving Readers Grant books to the Social Studies department at DLHS*

I urge you to vote in favor of Senate Bill 2360. Thank you for your attention. I stand for questions.

Dan Wakefield

Devils Lake