



**NDSBA**  
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**HB 1516**  
**Testimony of Amy De Kok**  
**House Education Committee**  
**February 12, 2025**

Chairman Heinert and members of the House Education Committee, my name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. NDSBA represents all 168 public school districts and their governing boards. Thank you for the opportunity to testify today. I am here to express strong opposition to HB 1516, which would mandate the appointment of an educational employee as an observer to public school boards. While the bill's intent may be to foster collaboration, it raises significant concerns regarding school board authority, governance, transparency, and accountability. Furthermore, it is entirely unnecessary, as existing practices already promote open communication between school boards and local education associations.

**Lack of Necessity for This Bill**

School boards across North Dakota already engage regularly with their local education associations and other employee representatives. Board meetings are open to the public, and school boards consistently invite and receive input from teachers and staff on issues impacting the district, students, and employees. Many school districts have established advisory committees or designated meeting times for direct communication with staff representatives, making this bill redundant.

Additionally, school districts have existing policies and a well-established chain of command procedure to address staff concerns and complaints. Teachers and other staff members have multiple avenues to raise issues through their direct supervisors, school administrators, and human resources before such concerns are elevated to the board level. These policies ensure that concerns are addressed in a structured and appropriate manner while maintaining professionalism and efficiency in district operations. The addition of a board observer is unnecessary, as these mechanisms already provide ample opportunity for staff voices to be heard and concerns to be resolved without compromising the governance structure of the board.

Additionally, there has been no expressed demand for this bill from the state's largest organization representing public school employees—North Dakota United. If this measure were a

necessary or widely supported policy, it would be reasonable to expect advocacy or endorsement from North Dakota United. Their silence speaks volumes, suggesting that existing practices already meet the needs of educators in terms of communication and representation before school boards.

### **Erosion of School Board Authority**

HB 1516 undermines the role of the duly elected school board by inserting an unelected individual into its deliberative process. The school board serves the entire community, balancing the needs of students, parents, taxpayers, and employees. The presence of an observer who exclusively represents the interests of educational employees risks distorting this balance and interfering with the board's autonomy.

### **Inappropriate Access to Executive Session Discussions**

While the bill states that the observer “may not participate in a meeting or part of a meeting regarding employment matters specifically related to the observer,” it is silent on the broader issue of executive sessions. School boards frequently enter executive session to discuss sensitive matters such as certain personnel decisions, contract negotiations, private student information and legal issues impacting the district. The presence of a representative who is directly appointed by the local education association could create conflicts of interest and compromise the confidentiality essential to these discussions.

### **Impact on Employment Matters Before the Board**

School boards are responsible for making employment decisions, including hiring, discipline, and contract negotiations. The observer, as a current district employee and representative of the education association, would have an inherent conflict of interest. This arrangement could allow for undue influence in employment-related matters, particularly when decisions directly impact the observer’s colleagues and professional relationships. Furthermore, the bill provides no safeguards to prevent indirect participation in employment discussions that could affect fellow employees or the collective bargaining process.

### **Unelected Individual Not Answerable to the Public**

Unlike elected school board members, who are accountable to voters, the proposed observer would be handpicked by the local education association and serve for a term without public oversight. This individual would be granted privileged access to board discussions without being subject to the electoral process. The fundamental principle of representative governance is that those who influence decision-making should be answerable to the people they serve. This bill circumvents that principle, giving a select group disproportionate influence over school board affairs.

For these reasons, I strongly urge you to oppose HB 1516. It is unnecessary given the already open lines of communication between school boards and educational staff. It erodes the authority of duly

elected school board members, introduces conflicts of interest in employment matters, risks breaching confidentiality in executive sessions, and places decision-making influence in the hands of an unelected individual who is not accountable to the broader public. While collaboration between school staff and board members is important, this bill is not the appropriate mechanism to achieve that goal.

Thank you for your time and consideration. I welcome any questions from the committee.