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**HB 1273**  
**Testimony of Amy De Kok**  
**House Political Subdivisions Committee**  
**January 30, 2025**

Chairman Longmuir and members of the House Political Subdivisions Committee, thank you for the opportunity to provide testimony in connection with HB 1273. 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. I am here today to express deep concerns about the unintended consequences of this legislation which, if enacted, would significantly limit a public school district employer's ability to regulate speech in the workplace. While freedom of speech is a fundamental right, it must be balanced against the operational needs and legal obligations of public schools to maintain a professional, non-disruptive, and inclusive educational environment.

Public school districts, as government employers, have a vested interest in ensuring that workplace speech does not interfere with the efficient delivery of education. This bill threatens that balance by prohibiting policies that regulate speech, including those necessary to:

- Prevent Disruptions to Educational Operations – Unregulated speech in the workplace can lead to conflicts that disrupt the learning environment. School leaders must have the ability to set reasonable limitations to ensure a focus on education.
- Uphold Employee Professionalism and Conduct Standards – Without the ability to regulate certain speech, school districts may struggle to enforce policies that promote respectful and appropriate discourse among staff, which could erode professional working relationships and undermine authority.
- Mitigate Legal and Financial Liabilities – The bill's prohibition on limiting speech, including hate speech, could expose school districts to legal risks associated with harassment, discrimination, and hostile work environments, leading to costly litigation and reputational damage.

- Protect Student and Staff Well-Being – Schools have a duty to create a safe and supportive environment for students and employees. The inability to regulate harmful or inflammatory speech could negatively impact mental health, safety, and overall school climate.

When considering this bill, I ask this Committee to think about the captive, impressionable audience of students available to school staff daily. Unlike other workplaces, schools serve a unique role in society by educating young, impressionable students who are required to attend. If speech were left entirely unfettered and unregulated, students could be subjected to harmful, inappropriate, or biased discourse that could influence their development and well-being. Educators and staff serve as role models, and their words carry significant weight in shaping students' understanding of the world. Without appropriate regulations, the potential for negative impacts on students' educational experiences and personal growth is substantial.

Many public school districts have adopted employee speech policies that distinguish between speech made as an employee versus as a private citizen. These policies ensure that speech made in an official capacity aligns with the district's mission and does not disrupt the educational environment. HB 1273 would prohibit school districts from adopting or enforcing such policies, thereby stripping districts of the ability to hold employees accountable for speech that could negatively impact school operations, student well-being, and professional conduct standards.

The First Amendment already protects public employees' speech on matters of public concern; however, it also allows public employers to regulate speech that interferes with their mission. The U.S. Supreme Court has recognized that public employers must balance free speech rights with their obligation to ensure efficient operations (*Garcetti v. Ceballos*, 547 U.S. 410 (2006)). HB 1273 disrupts this balance and could create unnecessary conflicts that hinder school district governance.

For the reasons outlined above, I strongly urge the committee to issue a DO NOT PASS recommendation on HB 1273. Public school districts must retain the authority to regulate speech in the workplace to uphold professionalism, protect students and staff, and ensure that schools remain focused on their core mission of education. HB 1273 would eliminate the ability of school districts to implement reasonable and necessary speech policies, such as those currently in place, that maintain a professional educational environment. I respectfully request that this committee reject this bill to preserve the ability of public school employers to create and enforce policies that benefit the entire school community.

Thank you for your time and consideration.