

Dear Chairman Beard and Members of the Senate Education Committee,

I am writing to express my continued opposition to House Bill 1222. I previously submitted written testimony to the House committee with concerns about this bill's impact on students' First Amendment rights, particularly its attempt to require participation in the Pledge of Allegiance or place the decision in the hands of parents rather than students themselves. I am pleased to see that the most concerning aspects of this bill have been removed—specifically, the provisions requiring students to participate and shifting their right to refuse onto their parents. These changes are an important recognition of individual rights. However, I remain opposed to the bill for the following reasons.

This Bill is Unnecessary

North Dakota schools already provide opportunities for students to recite the Pledge of Allegiance. Many schools begin the day with it, particularly at the elementary level, and local school boards have the authority to determine the best approach for their communities. Codifying this as a mandate serves no clear purpose and risks interfering with local control.

Potential Constitutional and Legal Concerns

While this version of the bill no longer compels participation, it still raises questions about enforcement and interpretation. The Supreme Court's decision in *West Virginia State Board of Education v. Barnette* (1943) firmly established that students cannot be forced to recite the Pledge. Even with the revised language, schools may still feel pressured to enforce participation in ways that create constitutional conflicts and potential legal liability. Although the bill seeks to provide immunity to schools and staff, it does not fully eliminate the risk of legal challenges.

Local Control and Educational Priorities

North Dakota values local governance, and school boards are best equipped to determine policies that reflect the needs and values of their communities. This bill unnecessarily inserts state-level mandates into a practice that is already widely implemented without issue. Additionally, school administrators and teachers should focus on ensuring quality education rather than navigating unnecessary new requirements.

While I appreciate the improvements made to HB 1222, I urge the committee to oppose this bill. It remains an unnecessary overreach into local school governance and presents potential constitutional concerns without providing meaningful benefits. Our schools already foster patriotism and civic engagement in ways that respect individual rights. This bill does not enhance that mission, and I encourage you to vote against it.

Thank you for your time and consideration.

Sincerely,

Kara Geiger
Mandan