



NDSBA
NORTH DAKOTA SCHOOL
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HB 1222

Testimony of KrisAn Norby-Jahner Senate Education March 12, 2025

Chair Beard and members of the Senate Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in a neutral capacity of HB 1222.

The NDSBA is supportive of civic engagement and the current opportunities that are already provided for students to recite the pledge of allegiance. Current law under [N.D.C.C. § 15.1-19-03.1 \(5\)](#) directs school boards to allow for the voluntary recitation of the pledge of allegiance by students and teachers: “A school board may authorize the voluntary recitation of the pledge of allegiance by a teacher or one or more students at the beginning of each school day.” North Dakota’s current law is constitutional because it allows for both students and teachers to each exercise their First Amendment rights, without coercion or force.

Amendments made to HB 1222 in the current version before this Committee do ensure that state law would remain constitutional because the recitation of the pledge of allegiance would remain a voluntary act in schools. The right of an individual to choose whether to salute or pledge allegiance to the American flag has been a clearly-established constitutional right under the First Amendment since the U.S. Supreme Court’s landmark decision in [West Virginia St. Bd. of Educ. v. Barnette, 319 U.S. 624 \(1943\)](#). The only change to the law that HB 1222 makes would be to require a school board to “**adopt a policy requiring each school to offer all students the opportunity to voluntarily recite the pledge of allegiance at the beginning of each schoolday.**” The NDSBA does not oppose changes to this law as long as the law remains in compliance with constitutional requirements that makes recitation, standing, or saluting optional.

Notably, the language proposed in HB 1222 does align with current law already in place for school board meetings under [N.D.C.C. § 15.1-09-30 \(4\)](#): “At the beginning of each regularly scheduled school board meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.”

Based on the foregoing reasons, NDSBA is neutral on this bill, but does ask that the Committee not remove any language regarding the voluntary nature of the recitation. Thank you for your time.