

2023 SENATE JUDICIARY

SB 2231

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2231
1/25/2023

A bill relating to preferred pronoun discriminatory practices and school policies on expressed gender; relating to preferred pronoun and discriminatory practice definitions.

2:30 PM Chairman Larson opened the meeting.

Present are Chairman Larson and Senators Myrdal, Luick, Estenson, Braunberger, Sickler and Paulson.

Discussion Topics:

- First Amendment rights
- Tolerance
- Preferred pronouns
- Gender dysphoria
- Transgender status

2:30 PM Senator Luick introduced the bill.

2:30 PM Christopher Dodson, Executive Director, North Dakota Catholic Conference, testified in favor of the bill #16783.

2:39 PM Jacob Thomsen, Policy Analyst, North Dakota Family Alliance Legislative Action, testified in favor of the bill #16734.

2:42 PM Dan Wakefield testified in favor of the bill #16212.

2:59 PM Linda Thorson, Concerned Women for America, North Dakota, testified in favor #16708.

3:04 PM Doctor Gabriela Balf, Psychiatrist, testified in opposition to the bill #16795.

3:41 PM Caedmon Marx testified opposed to the bill #16224.

3:45 PM Christopher Scott, North Dakota Student Association, testified opposed to the bill #16717.

3:51 PM Christina Sambor, Youthworks and North Dakota Human Right Coalition, spoke opposed to the bill.

Additional written testimony:

Karen Van Fossan provided written testimony #16802.

Rebel Marie provided written testimony #16797.

Naomi Tabassum provided written testimony #16764.

Corinne Edgerton provided written testimony #16760.

Michelle Abshire provided written testimony #16749.
Shawnda Schroeder provided written testimony #16722.
Amber Vibeto provided written testimony #16715.
Nathan Brown provided written testimony #16702
Adam Miller provided written testimony #16699.
Arielle Neumann provided written testimony #16694.
Jessica Rose provided written testimony #16691.
Whitney Kelly provided written testimony #16678.
Benjamin Hanson provided written testimony #16670.
Amalia Dillin provided written testimony #16667.
Olivia Data provided written testimony #16659.
Taylor Lavoie provided written testimony #16638.
Faye Seidler provided written testimony #16618
Royce Brown provided written testimony #16608
Erin Mcsparron provided written testimony #16601.
Jayce Branden provided written testimony #16596.
Kristie Miller # provided written testimony 16556.
Michelle Webber provided written testimony #16554.
Gretchen Deeg provided written testimony #16549.
Rebekah Oliver provided written testimony #16538.
Shawna Grubb provided written testimony #16531.
Elizabeth Famas provided written testimony #16521
Erin Power provided written testimony #16518.
Janet Mathistad provided written testimony #16438.
Ashelin Harbinger provided written testimony #16436.
Shane Thielges provided written testimony #16395.
Samantha Beauchman provided written testimony #16347.
Thea Holter provided written testimony #16344.
Tricia Vandermay provided written testimony #16311.
Patricia Burckhard provided written testimony #16302.
Molly Haagenon provided written testimony #16210.
Doug Sharbono # provided written testimony 16136.
Seth Flamm provided written testimony #15940.
Kara Gloe provided written testimony #15899.
Mallorie Taylor provided written testimony #15838.
Brittney Christy provided written testimony #15813.
Christopher Brown provided written testimony #15788.
Bree Langemo provided written testimony #15787.
Gregory Demme provided written testimony #15739.
Sylvia Bull provided written testimony #15699.
Kaitlyn Kelly provided written testimony #15581.
Emily Coler provided written testimony #15479.
Tim Baumann provided written testimony #15145.
Jane Hirst provided written testimony #15105.
Elia Scott provided written testimony #14959.
Debra Hoffarth provided written testimony #14903.
William Niehaus provided written testimony #14863.

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4:05 PM Chairman Larson adjourned the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2231
2/7/2023

A bill relating to preferred pronoun discriminatory practices and school policies on expressed gender; relating to preferred pronoun and discriminatory practice definitions
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10:46 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estensen, Sickler, Paulson and Braunberger are present.

Discussion Topics:

- Amendments

10:46 AM Senator Luick was going to discuss amendments but requested postponing until other persons were present to provide explanation.

10:48 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2231
2/7/2023

A bill relating to preferred pronoun discriminatory practices and school policies on expressed gender; relating to preferred pronoun and discriminatory practice definitions
--

2:48 PM Chairman Larson called the meeting to order.

Present are Chairman Larson and Senators Myrdal, Luick, Estensen, Sickler, Braunberger and Paulson.

Discussion Topics:

- Committee action

2:48 PM Chris Dotson, Director North Dakota Catholic Conference, spoke about amendments to the bill LC 23.0590.02002.

Senator Myrdal moves to Do Adopt the amendments LC 23.0590 02002. Motion seconded by Senator Luick.

Roll call vote is taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

2:56 PM Senator Myrdal moves to Do Pass the bill as amended. Motion seconded by Senator Luick.

2:56 PM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	N
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 6-1-0.

Senator Myrdal will carry the bill.

This bill does not affect workforce development.

Additional written testimony: #19614, 19615

3:04 PM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

AG
2-7-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2231

Page 1, line 3, remove "; and to amend and reenact section 14-02.4-02 of the North Dakota Century"

Page 1, line 4, remove "Code, relating to preferred pronoun and discriminatory practice definitions"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 18

Page 4, line 21, replace "Discriminatory practice" with "Government entity"

Page 4, line 26, replace "A violation of this section is a discriminatory practice" with "An individual may assert a violation of this section as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees"

Page 5, after line 17, insert:

"4. This section does not prohibit a public school teacher from using a student's preferred pronoun that is inconsistent with the student's sex if the teacher has consulted with, and received approval from, the student's parent or guardian and the school administrator."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2231: Judiciary Committee (Sen. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, remove "; and to amend and reenact section 14-02.4-02 of the North Dakota Century"

Page 1, line 4, remove "Code, relating to preferred pronoun and discriminatory practice definitions"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 18

Page 4, line 21, replace "**Discriminatory practice**" with "**Government entity**"

Page 4, line 26, replace "A violation of this section is a discriminatory practice" with "An individual may assert a violation of this section as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees"

Page 5, after line 17, insert:

"4. This section does not prohibit a public school teacher from using a student's preferred pronoun that is inconsistent with the student's sex if the teacher has consulted with, and received approval from, the student's parent or guardian and the school administrator."

Renumber accordingly

2023 HOUSE JUDICIARY

SB 2231

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2231
3/20/2023

Relating to preferred pronoun discriminatory practices and school policies on expressed gender.

10:30 AM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter. Absent: Rep. Shannon Roers Jones

Discussion Topics:

- Using Preferred Pronouns.
- School Policy Expressed Gender.
- Family Cooperation.
- LGBTQ Citizens.

Senator Luick: Introduced the bill. No written testimony.

Christopher Dobson, ND Catholic Conference: Testimony #25801

Jacobson Thomsen: ND Family Alliance: Testimony #25848

Dan Wakefield, Devils Lake: Testimony #25804

Andrew Alexis Varvel: Testimony #25972

Patricia Leno, District 30: Testimony #25841

Linda Thorson, State Director of Concerned Women: Testimony #25775

Celeste McCash, ND Student Association: Testimony #25854

Kaydeon Marx, Outreach coordinator. No written testimony.

Cody Schuler, ALCU for ND: Testimony # 25864

Christinia Sambor: ND Human Rights Coalition: No written testimony.

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Tracy Potter, myself: No written testimony.

Additional written testimony:

#25739, #25746, #25752, #25778, #25787, #25803,

#25811, #25815, #25820, #25824, #25826,

#25831, #25832, #25839, #25865, #25862, #26517

The hearing closed at 11:46 AM

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2231
3/20/2023

Relating to preferred pronoun discriminatory practices and school policies on expressed gender.

3:11 PM Chairman Klemin opened the meeting. Members present: Chairman Klemin, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. Schneider, Rep. VanWinkle. and Rep. Vetter. Absent: Rep. Shannon Roers Jones , Rep. Satrom, Rep. Karls

Discussion Topics:

- Committee action.

Rep. VanWinkle moved a Do Pass;
Seconded by Rep. Christensen

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	A
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	A
Representative Bernie Satrom	A
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 9 Yes 1 No 3 Absent Motion carried.
Carrier: Rep. VanWinkle

The meeting closed at 3:21 PM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2231, as engrossed: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2231 was placed on the Fourteenth order on the calendar.

TESTIMONY

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This bill encourages discrimination against students who are trying to be who they are called to be even when that conflicts with the body they had at birth. If a school or teacher wishes to support a student through using a pronoun that is acceptable to the student, the state should not stand in the way. This bill is discriminatory, unnecessary and should be rejected.

WRITTEN TESTIMONY IN OPPOSITION TO SB 2231

Senate Judiciary Committee on Senate Bill 2231

Date of Hearing: January 25, 2023 2:30 p.m.

Debra L. Hoffarth, 1320 11th Street SW, Minot, ND 58701

This written testimony is presented in opposition to SB 2231, which outright discriminates against the transgender and nonbinary communities and is a violation of every North Dakotans' right to free speech. It is an overreach of government authority into the private matters of its citizens.

North Dakota Constitution Article I, Section 1 states: "All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed."

North Dakota law and federal law prohibit discrimination based upon sex. The North Dakota Human Rights Act prohibits discrimination based upon sex.¹ Title VII of the Civil Rights Act prohibits discrimination based upon sex, this includes gender identity.² President Biden issued an executive order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation which states "all persons should receive equal treatment under the law, no matter their gender identity or sexual orientation."³ This law requires individuals to violate federal law.

This bill violates several federal and state constitutional rights of is citizenry. The US and the State Constitutions take precedent over any legislative actions.

The right to free speech belongs to every citizen of the State of North Dakota. Our Constitution states: "Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege."⁴ The First Amendment prohibits the abrogation of free speech. Everyone has the right to speak freely, without repercussions, absent the language falling under hate speech, obscenity, child pornography, defamation, or incitement to violence and true threats of violence. Any restriction of free speech must be reasonable, content-neutral, viewpoint-neutral, and narrowly tailored to satisfy a significant institutional interest.⁵

This proposal also violates the privileges and immunities clause. ND Constitution. Article I, Section 21 states: No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens. This law allows straight and binary individuals privileges, which transgender and nonbinary individuals are not allowed – participation in state funded facilities.

It also denies children their right to a free and appropriate education as it would make being mis-

¹ NDCC 14-02.4-01.

² *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 207 L. Ed. 2d 218 (2020)

³ Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation | The White House- <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>

⁴ Constitution of North Dakota, Article I Section 4

⁵ NDCC 15-10.4-01(1)

gendered a condition of their education, which is discriminatory, harmful, and intolerable.⁶ Article VII, Section 1 of the North Dakota Constitution declares that a free education is necessary for all children of the State of North Dakota and must be “free from sectarian control.”⁷

There are already free speech laws on the books in North Dakota that would conflict with this proposed legislation.⁸ The State Board of Higher education has a policy that allows students and faculty free speech.⁹ Students cannot be sanctioned for speech unless “the speech or expression is unwelcome, targets the victim on a basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied equal access to educational opportunities or benefits provided by the institution.”¹⁰ Higher education institutions are to promote “a welcoming, inclusive environment.”¹¹ This legislation flies in this legislation allowing students and faculty to have free speech at institutions of higher education, which of course receive state funding. It will require these institutions and their faculties to potentially violate other state laws. It also makes the jobs of teachers everywhere more difficult. Teachers need support, not more legislation on what they can and cannot teach.

Furhtermore, North Dakota Administrative Code 75.5-02-06.1 prevents social workers, many of whom are school counselors, or therapists from engaging in conversion therapy. This law could very well cause social workers to violate their ethical duties as outlined in the administrative code.

Use of preferred pronouns improves the mental health of transgender and nonbinary individuals.¹² A supportive and affirmative educational environment lowers suicide attempts.¹³

There is no clear purpose for this legislation, other than to harass and further terrorize the transgender and nonbinary community in North Dakota, a community that already suffers from higher rates of suicide and harassment. Affirming individual’s preferred pronouns lowers the risk of suicide and self-harming. This legislation will further marginalize transgender and nonbinary individuals, putting their mental health at risk.

Transgender and nonbinary individuals need compassion and inclusion, not hatred and exclusion. You cannot erase the existence of transgender and non-binary individuals via legislation. They have and will always exist. All people within the State of North Dakota deserve dignity and respect and to have their constitutional rights intact.

Please oppose SB2231.

Debra L. Hoffarth
1320 11th Street SW
Minot, ND 58701

⁶ Constitution of North Dakota, Article VIII Section 1

⁷ Constitution of North Dakota, Article VIII Section 1

⁸ NDCC 15-10.4, *et. seq.*

⁹ NDCC 15-10.4-02

¹⁰ NDCC 15-10.4-02(4)(a)(1)

¹¹ NDCC 15-10.4-02(4)(c)

¹² The Trevor Project, “National Survey on LGBTQ Youth Mental Health 2022”

¹³ The Trevor Project, “National Survey on LGBTQ Youth Mental Health 2022”

Elia Jay Scott,
Fargo, ND 58103 (district 46).

Please stop the war on trans lives.

Imagine (if you are not) that you are Catholic. And imagine that your state legislature proposes **21 bills** targeting, demonizing, and persecuting the Catholic community. One bans you from wearing a crucifix in public. One bans you from privately praying anywhere near a school. And one bans sale of alcohol for religious purposes, making it illegal for your church to obtain the spiritual medicine that keeps your soul alive, the Eucharist.

Now, instead, imagine that you are **transgender**. Instead of banning crucifixes, the state wants to ban you from going outside your house in clothes consistent with your identity. Instead of banning prayer in schools, they want to ban any school accommodation for your condition, gender dysphoria. And instead of banning the Eucharist, they want to ban the evidence-based, lifesaving healthcare that has saved your **actual, physical life**, and the lives of so many of your beloved friends.

That is what the North Dakota state legislature is doing right now. Republicans have introduced 21 – yes, 21 – bills, targeting, demonizing, and persecuting the transgender community, doing all I have described above and more.

This bill, SB 2231, aims to stigmatize, ostracize, and bully trans kids into self-harm, substance abuse, or suicide, by preventing schools from implementing science- and evidence-based policies for how best to help students with gender dysphoria learn and feel safe.

Chair and members of the committee, if you are Catholic, Christian, or simply a human being of conscience, I ask you ***please to vote NO on all these anti-transgender bills***, and to stop this merciless, hateful war on our trans neighbors – whom, if we are Catholic, Christian, or people of conscience, we are commanded by God and human decency ***to love as ourselves***.

†

Senate Judiciary Committee Members:

I am a life-long resident of North Dakota, a mother, grandmother and community member writing to express my opposition to SB 2231 which relates to preferred pronoun discriminatory practice and school policies on expressed gender. As I submit my 10th bill testimony this session, I continue to be dismayed at the number of bills that are attacking a small group of young people in our state. This bill, like all of the others, is not needed, is against the law, is hurtful and discriminatory to people who choose to identify by a different pronoun and is a waste of legislators' time and taxpayers' money.

I am not a legal expert, but the research that I have done tells me that this amendment to the Century Code related to preferred pronouns is actually discriminatory. The Supreme Court decided in 2020 that Title VII of the Civil Rights Act of 1964 protects gay and transgender employees against discrimination. It appears to me that this bill would go against this protection.

Personal pronouns indicate gender and all employees like to be identified by their correct pronoun, whether they are transgender or cisgender. Being misgendered by your employer or co-workers can be considered harassment if it is an ongoing issue. I do not understand people having an issue letting people know what their pronoun is or using the correct pronoun when addressing others. I grew up in a family where we were taught to show respect for others and using the correct pronoun is one simple way to do that. By using the correct pronoun and/or sharing your pronoun, you are showing respect for that person and creating an inclusive work environment.

When we look at the school policy section of this bill, I would first like to state that the biology of sex/gender is a complex system that includes chromosomes, genes and genetic expression, neurobiology and endocrinology. To simplify it in the way that it is presented in the bill is an insult to the evidence-based researchers that have studied this topic. Another problem I have with this section is that research has shown that allowing a person to use their pronoun of choice helps to reduce depression and suicidal thoughts. A recent study on pronoun use found that transgender youth who had their pronouns respected by all or most people in their lives attempted suicide at half the rate of those whose pronouns were not respected. It also found that when students could safely use their pronouns at school, home, work and with friends, they had 71% fewer symptoms of depression, a 34% decrease in suicidal thoughts and a 65% decrease in suicidal attempts. We should be doing all we can to protect the mental health of these young people, but this bill would have the opposite effect. In addition to the harm that could come from this bill, it is obviously in conflict with Title IX, which protects transgender students from discrimination.

Please protect our state from lawsuits regarding this bill and protect our transgender residents from discrimination by giving this bill a Do Not Pass vote.

Thank you for your time and consideration,

Jane Hirst
Minot, ND

January 22, 2023

To Whom It May Concern,

My name is Tim Baumann and I live at 1308 35th Ave. SW in Minot. I am writing today to express my opposition to SB 2231. I think this bill goes looking for a problem that does not currently exist and inserts a the state government into classrooms, state offices, and school boards.

Respectfully Submitted,

Tim Baumann

1308 35th Ave. SW

Minot, ND 58701

As a licensed Marriage and Family Therapist in North Dakota, I urge you to oppose SB 2231

LGBTQ Youth are more than 4 times as likely to attempt suicide than their peers (Johns et al., 2019; Johns et al., 2020). This isn't a result of the label, it's a direct outcome of being marginalized and discriminated against. This bill, and others that seek to further limit the LGBTQ+ community directly contribute to the increased risk of suicide.

I've seen this firsthand in my office from youth and young adults who share things like, "I don't belong here," "It's clear I'm not wanted," and "it's stuff like this that makes me want to die." As a mental health provider, I cannot support a bill that contributes to a community where members do not feel entitled to live the lives they are born into. More than half of transgender and nonbinary youth seriously considered suicide in the last year (Trevor Project 2022 National Survey on Youth Mental Health). North Dakota cannot afford to pass legislation that contributes to this.

School districts already have policies in place for students whose gender does not match their sex assigned at birth. Professional development time should be used to educate professionals on the needs of all their students, including those of diverse backgrounds.

In no other situation is it appropriate for teachers to go against the wishes of the child and the parent. If a teacher doesn't like a student's name, do they get to call them something else? Will a parent receive notes home about an unflattering haircut or their child's choice of tee shirt color? What about a child's religious beliefs or the choice of food they bring for snack?

There are many students who would rather not go to school, than have to detransition in front of their peers. Or be consistently outed by a teacher who won't acknowledge them for who they are. This bill discourages participation for all in public education. Families of transgender youth have talked about removing their child(ren) from public schooling or moving out of state if bills such as this pass.

This bill does not consider the intersex population. Intersex people are born at an estimated 1.7% of the population, more common than Down's Syndrome or other genetic differences. This bill does not account for those individuals as well.

This is not a bill that recognizes or appreciates a diverse population of North Dakotans and will result in loss of community members. It does not make North Dakota a desirable place to live and is not reflective of the values that most North Dakotans hold toward their friends, neighbors and family members.

I strongly urge you to oppose SB 2231.

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1249. I ask that you give this bill a Do Not Pass.

The reason for this is that I am against bills that endorse discrimination as policy. This bill hurts our state as it intrudes on individual liberties and causes actual harm to LGBTQ+ people in North Dakota, contributing to higher suicide rates among LGBTQ+ youth and mass exodus of youth from our state whether they are LGBTQ or not.

Among queer youth in North Dakota:

- 74.7% Have ever seriously considered suicide (Middle School Data)
- 46.3% Have ever attempted suicide (Middle School Data)
- 94.4% Do not talk to parents when feeling sad, empty, hopeless, or angry (High School Data)
- 72.7% Didn't feel safe at school most of time or always (High School Data)
- 61.0% Bullied on School Property (Middle School Data)
- 27.0% Didn't Sleep in Parents Home + 20.0% Have Run away or homeless (High School)

Thank you for your time, consideration, and service to our state

Best regards,

Kaitlyn Kelly

January 23, 2023

Chairperson Lee and Committee Members,

I strongly urge a Do NOT Pass on SB 2231. Suicide is the 11th leading cause of death in North Dakota (afsp.org/statistics) and the second leading cause of death in North Dakotans aged 10-24. We are 16th in the nation in suicide rate. According to research by the Trevor Project, over half of trans and nonbinary youth have seriously considered suicide in the past year, and youth who lacked social support and affirming spaces (like at school) were even more at risk. Legislation like HB 1522, which actively prevents schools from caring appropriately for trans and non-binary youth, has life-and-death consequences.

I urge a Do NOT Pass on SB 2231.

Sincerely,
Sylvia Bull
522 N 16th St
Bismarck, ND 58501

Members of the Senate Judiciary Committee,

“My name is Gregory Demme, and I am a bi-vocational pastor who resides in District 3. I am asking that you please render a DO PASS on Senate Bill 2231.”

The Supreme Court of the United States has recognized that the government may not compel a speaker to affirm a belief with which the speaker disagrees. This bill is necessary in order to protect this foundational principle of free speech for North Dakotans who should not be compelled to violate their religious beliefs or opinions.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Gregory Demme, Pastor
Grace Baptist Church of Minot
5220 14th St SE
Minot, ND 58701

As a mother of a transgender teen in North Dakota Public Schools, I strongly oppose this bill. To date, my son has had a positive experience with his public school using his preferred pronouns, and it has improved his mental health in the school environment. Prior to his transition, he struggled with mental health and frequently missed school. With the school's support of his transition, his mental health has improved greatly. He rarely misses school, is excelling academically with a 4.03, and is engaged in co-curriculars. To implement this bill and require the school to misgender him, would cause significant distress, increase symptoms of gender dysphoria, and make school an unsafe place for him to be. His anxiety and depression would deteriorate and all of the progress made over the past few years lost. In addition, the bill defines gender as someone's assigned sex at birth which is contrary to the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. Please do not support this legislation. In short, this bill will harm the well being of my child. In addition, the bill ignores definitions of gender identity as defined by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. Please do not support this legislation. It is not inclusive and discriminates against transgender people.

Dear Chair Larsen and members of the Senate Industry and Business Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

All individuals deserve the basic modicum of respect afforded by using their name and associated pronoun. This bill creates innumerable problems and helps no one.

Thank you for your time and consideration.

Sincerely,

Christopher Brown

January 23, 2023

Re: SB 2231

Dear Committee,

This bill is laughably ignorant. Every person has the right to be affirmed in their identity and to be addressed in a way that makes them feel comfortable. To assume that all people are either "he" or "she" is a full erasure of anybody born intersex (which is a lot more than you might assume). It's also a full erasure of trans and non-binary individuals who also deserve respect and acknowledgement in our communities.

If I request to be called "Brittney" and not "Britt," only a real jerk would continue to call me "Britt." I think policies of respect and kindness and probably the best kind of policies for our schools and for our children.

Please, DO NOT PASS SB 2231

Brittney Christy
Grand Forks
District 18

Dear Chair Larson and members of the Senate Judiciary Committee,
My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

I am a mother and educator from Moorhead, MN. I am also the wife to a wonderful, supportive trans woman. My son currently attends school in Fargo, ND. The idea that, under many of these bills, my son would witness his beloved parent being misgendered and vilified by educators is heartbreaking; that he would grow up thinking that his beloved parent, who reads him stories every night and makes the family waffles every Saturday, is someone he can't talk about at school. This bill, and many others being pushed today, teach our children that their true selves is something that must hidden and repressed, and that our transgender friends, family, and colleagues are not worthy of respect. I do not want my son, or my family, to grow up in this environment. I am therefore standing in opposition of this bill, and respectfully ask that you do the same.

Thank you for your time, consideration, and service to our state

Best regards,
Mallorie Taylor-Teeples

January 23, 2023

Re: SB 2231

Dear Chair Larson and Senate Judiciary Committee

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic in Fargo, ND. Among the primary populations of people I serve are lesbian, gay, bisexual, transgender, queer, intersex, asexual, aromantic, and Two Spirit (LGBTQIA2S+) folks in North Dakota – including students in North Dakota’s public schools. I am a former elected school board member and I have two children in public schools. It is from these intersecting experiences that I urge you to vote **Do Not Pass on SD 2231**. If passed, this bill would do irreparable harm to transgender students throughout North Dakota, infringe upon the rights of local school boards/school districts to make decisions that best reflect the needs of their students, and drive teachers out of the state.

First, the data on the lethality of being a young trans person in the State of North Dakota is concrete. For trans high schoolers in North Dakota we know:

- More than half seriously considered suicide in the last year
- That rate is 3.3 times higher than their straight cisgender counterparts
- 30.4% attempted suicide in the past 12 months
- That is five times higher than their straight cisgender counterparts

This is data that focuses solely on youth in North Dakota is from the 2021 Youth Risk Behavior Survey. These are the stats before the 2023 North Dakota legislature introduced multiple bills either directly targeting or severely disrupting the lives of our transgender friends, family, and neighbors. **Further, peer reviewed research from the Trevor Project shows transgender children who have one supportive adult in their lives are 39% less likely to attempt suicide.** This bill would rob so many children, who may not have one supportive adult at home, of the opportunity to have one at school. It is not hyperbolic to say, this bill will endanger the lives of North Dakota students.

Second, local control is something the North Dakota legislature often touts as something it values. However, this bill strips that away from school districts. During my tenure as a school board member, we had a plethora of data at our fingertips. Data we used to make decisions on how to improve educational outcomes and the reduce opportunity gap. Is it not best for the institutions that have the data on the students they serve and the expertise in education to make decisions they deem most appropriate to reach their own goals?

Third, this bill will force teachers out of the state. I have heard about teachers who have already left North Dakota, because they do not feel like North Dakota provides a safe teaching environment. We do not have to search hard to see how laws like this have panned out in other states. Florida’s teacher shortage is so dire, they are putting people with no teaching education or experience in classrooms. The collapse of a state’s education system is a fast train to the bottom. Is that where we want to be?

Federal law requires public schools to provide a safe learning environment for every student. This bill would make that impossible in North Dakota. For the health and well-being of every student in North Dakota I urge you to vote **Do Not Pass** on SD 2231.

Sincerely,
Kara Gloe, LMSW
Canopy Medical Clinic

Members of the Senate Judiciary Committee,

My name is Seth Flamm and I reside in District 27. I am asking that you please render a DO PASS on Senate Bill 2231.

Seth Flamm

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on SB2231
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chairwoman Larson and members of the Senate Judiciary Committee,

I am writing as a citizen and believe SB2231 is beneficial legislation. There is a culture war raging against children by activists, and we need SB2231 to establish good policy. Without the assistance of good policy like SB2231, students will be in lieu of learning their basic education, be busy trying to keep up with the required pronoun of the day or hour in addressing others. Consider the following case in the link that students must keep straight. [Coming out as GENDER FLUID to my 4TH GRADE class 🌈🙄! #shorts - YouTube](#) This is absurd and policy is needed to maintain standards and education. Notice it is all about the activist and not about the student or their education. This needs to stop.

Please give SB2231 a Do Pass.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

January 24, 2023

Regarding Senate Bill 2231

Dear Senate members,

I'm writing to strongly oppose Senate Bill 2231. This bill endorses discrimination and harms LGBTQ+ people in ND. People have individual rights and should have agency over their body and what they call themselves. I believe this bill would contribute to higher suicide rates and self harm among LGBTQ+ youth. As a Youth Director, I continue to hear what teachers call LGBTQ+ students in our schools, misgendering them and even calling youth "it" with little to no repercussions. This bill enables bullying. Adolescents need to be seen and heard and loved, not discriminated against. Please do not pass this bill.

Respectfully,

Molly Haagenon

“I just want to teach”

January 24, 2023

To North Dakota Legislators:

This memorandum to you is regarding pending legislation in the areas of primary and secondary education. At the end of last May I finished teaching, most of it in North Dakota with the last 21 years in Devils Lake. For the last decade in teaching, I with fellow educators have experienced significant, intermittent, but relentless efforts to inculcate gender and critical race theories into both curriculum and teaching.

Much of what I have experienced I believe would apply to other educators and school systems across our state. I could go into detail about that experience of what has originated from individuals and organizations outside North Dakota and in turn has been pushed by a very small number of individuals in school systems here. In total, that experience personally has been extensive and an attempt to relate it could fill a book.

For practical purposes, what I am providing here is a chronology of what transpired (as much as possible) with brief commentary. My hope is my personal experience provides at least an overview of values being pushed that I believe most North Dakotans recognize as dangerous. Those values are dangerous because they undermine and seek to replace the foundational role of families in forming identity and personhood, as well as create division in relationships, by emphasizing differences by separating individuals into fragmented groups rather than uniting them through our shared humanity (we all bleed red under the skin).

Fall 2012

A current events discussion in class over gay marriage in the presidential campaign heated up and ended in disruptive comments. Before I ended it, a student told another student he would burn in hell for his views supporting gay marriage. Because he made his comments personal toward the other student, which disrupted class, I spoke with the student after class. I didn't believe he understood that he had crossed a boundary, so I consulted administration and asked that the student not be allowed back into class until he wrote a reflection letter on civil discourse. The student remained out of class for two school days and was readmitted when he submitted his letter.

I have spent considerable time reflecting on my actions regarding the free flow of ideas in a social studies classroom. I believe now I made a mistake in what amounted to censoring a student for expressing his beliefs through his right to free speech. Looking back at that situation, I would have asked but not insisted for both students to write reflections on the importance of civil discourse in a representative democracy.

Fall 2013 - Spring 2014

In 2013, a former DLHS college student conducted a survey on student attitudes about LGBTQ... in our high school. He used the results of his survey and the incident between the 2 unnamed students in my

classroom in a letter to local and regional newspapers as evidence of intolerance and stated the teacher did nothing about it. Wrong – significant action was taken. Fact: after compiling the study, the college student spent days making the rounds of the high school and spent significant time with staff attempting to garner support for a LGBTQ... training initiative and sex ed program for DLPS, but he never bothered to have a word of conversation with me at any time, either on what happened between the two students or what I thought about his initiative. I first learned of his initiative when I heard students discussing it, after they had taken his LGBTQ... survey in English class.

Although I asked supervisory personnel in the district promoting the study for a look at it to review its design to try to determine the validity of the study, I was told it was only a few questions that English teachers asked juniors and seniors and not much was known beyond that. When I asked English teachers to see the actual questions, the questions in the survey had been taken down on Survey Monkey.

Faculty were never provided with the study, but in the following weeks we were informed that the study had shown that prejudice, ignorance, insensitivity, etc. were serious problems in our school and a proposal was made that encouraged staff collectively to endorse a proposal where all staff would participate in required workshops to receive sensitivity training in this area and upon conclusion of our training we could decide or not, to placard our classrooms designating us as LGBTQ... allies and our rooms as safe spaces in the school environment. Staff training would begin at the high school and eventually by degree be extended down through the grades to include the entire school district. After further consideration in high school staff meetings, the proposal was dropped when some faculty objected to the need and especially the appropriateness of the school intervening in promoting institutional ideation to children of the most intimate nature of the human person. Some of us pushed back then against state power (here through the school) inculcating values that across all cultures and time are recognized as the province of family and the responsibility of parents as the first and most important teachers of their children.

In this initiative, parents were not much of a consideration to the college student and those who joined him. Most of what happened at the high school to garner support for his initiative was not transparent to parents at the time. They were not informed in any significant way regarding what was planned to promote LGBTQ... training at DLHS and the obvious sex-ed that would be needed to implement its goals in the future. If rolled out as planned, the training would be a *fait accompli* directed at their children by the time they were consulted after the fact.

Likewise, the superintendent did not seem to know initially when he approved a study on high school attitudes what the college student would survey and what he planned to use it for. When he did become aware, he did take a firm stand that the LGBTQ... training initiative would not be incorporated in the school system.

Training, What If:

And if the LGBTQ... training initiative had been approved for Devils Lake Public School staff who did the promoters line up to be the trainers? Again, their identity was not transparent. I only learned many weeks after the initiative was being promoted from materials posted online by the college student that the trainers would be members or associated with the Women's Study Department from UND. This proposal was problematic to state the least. Who are the experts? What do those academics in their area of expertise of 3

rd and 4th wave feminism know, or even child development academics know and apply compared to teachers of adolescents, many of them parents?

Most significantly, what entitles those proposed trainers to displace parents in inculcating and passing on the most intimate and primary of values regarding personhood and family? This lack of transparency and lack of understanding of the rights of parents to pass on their values is insulting.

Fall 2014

The college student followed up by asserting his study proved prejudice at DLHS and used it to promote a panel comprised of LGBTQ... education supporters discussing the need for gender studies for the Devils Lake Public School District at the Devils Lake Public Library. The event was covered by the GF Herald and DL Journal. As a result of the publicity he generated, approximately 40 people crowded into a library meeting room. Among those gathered were some school board members, the school superintendent, the panel, a few local citizens, a few students and teachers, a couple reporters and a few individuals from outside the Devils Lake community. The panel and Q and A that followed generated further reporting in local media.

I did not challenge the college student factually on his misrepresentation regarding what happened in my classroom through the media or at the public forum for an obvious reason – these students were minors – and public attention directed at them was not appropriate. Also, the way the college student had framed the story, pushing back then could likely have blown up in controversy and possibly caused a major disruption for our school and community.

Design is critical in studies. How questions are framed and who carries out the study generates results. In society, a level of prejudice exists across all humanity – against - minorities, majorities, disabled, all economic classes, all body types and shapes, all academic groups, etc., essentially at some level against everyone. It is and will be part of the human condition. I could formulate questions for DLHS that demonstrate that prejudice exists against any group. That said, my experience at DLHS of relations between and among students and staff from diverse backgrounds was generally very positive in the thousands of daily interactions. Of course, there were and always will be isolated exceptions. I am proud of DLHS, its students and staff, and in my extended time there how people in that school community value and continue to grow in relations with each other.

Administration dropped its initiative that was promoted by the former DLHS student. The school district through the school board and superintendent went further in responding to the initiative by going on record that the school district would not support introducing LGBTQ... training or curriculum.

January 2015

Throughout the several month period that included the survey, staff meetings, and the panel discussed above, no letters to the editor to the Devils Lake Journal were generated and I was told by the school superintendent he had received only one neutral phone call from the local community seeking further information. Nevertheless, the superintendent did find an LGBTQ... presenter as an option for educators, a member of the Fargo School District staff. This individual provided one of four 2-3-hour, optional breakout sessions at the January 2015 regional educators' in-service at LRSC. I arrived 2-3 minutes late to that session after mistakenly sticking my head in the other 3 sessions including the headliner's in the auditorium. Of the 300 or so educators attending the in-service, the LGBTQ... session was by far the least attended with only about 20 attendees, among whom I recognized an art teacher, a couple

counselors, the superintendent, a ROTC instructor, and myself from our school district. Several of the other participants seemed to be counselors from neighboring school districts.

The Fargo presenter, at the outset of her session, stated her mission to us was not only toleration of LGBTQ... but acceptance – i.e., we, students, the public, it seemed to me from her presentation all needed to group-think as she thinks. The innate dignity and respect for every individual who walks through a school door is paramount. But acceptance of everyone’s shared humanity cannot mean forced affirmation, imposed on educators, using them to promote the acceptance of behaviors and medical procedures that in many cases becomes damaging and destructive. What becomes totalitarianism of mind control found voice as well from one individual’s Q and A comment during the earlier panel discussion at the library. His comment in summary: we need to get to the children while they are young before their parents can get to them.

There is a dangerous irony here that escapes the consciousness of promoters of totalitarian ideology. Forcing acceptance of LGBTQ... - violating parents’, their children’s, educators’, and citizens’ freedom of conscience, thought, and religion – becomes intolerance of their values – exactly the opposite of the tolerance of others they supposedly champion. Thus, the endgame of LGBTQ... – to realize the acceptance of LGBTQ... – cannot stop with the sensitivity training of staff at DLHS – it means imposing their ideology on everyone. This is where the schools come in. In their social engineering, totalitarian movements have always targeted the influences most in their way – the family, school, religion.

For Devils Lake Public Schools, it would have meant comprehensive K-12 sex-education. And unlike even 2014, we now know what that means even by grade-level; because the LGBTQ... movement has succeeded in a short time in some states to enact laws or co-opt state departments of education into incorporating their values into school curriculum, where all students are opted-in as a default rather than the opposite or even sometimes without an opt-out provision for parents and their children.

Just a few of countless examples:

California: drag-queen reading hours for preschoolers

Vermont: beginning in 2021 will require schools to make condoms available to middle and high school students

Massachusetts: Planned Parenthood curriculum incorporated into schools by visiting “educators”

Idaho and Montana: states challenged to allow biological boys and men identifying as girls and women to compete with women in sports

Minnesota: the state education department, in its school “Transformation Toolkit,” issued many directives such as pressuring schools to allow transgender students to use locker rooms of choice regardless if they had not begun to physically transition; and pushing best practices such as – schools should address students as “students” and “scholars” as opposed to “boys and girls” (when issued in 2017, school administrators in northwest Minnesota declined when asked to comment on Grand Forks WDAZ TV news broadcast).

My point in this part of this letter - there is virtually no interest from educators, the public, and most importantly parents in our school district for imposing this activist ideology on our children. Most understand from their own role as parents and experience as family members that it’s not the job of the

state (here using schools) to impose an outside ideology on values that should be nurtured by family.

Fall 2015

NDSU sent me a standard on-line exit survey as I was concluding graduate studies that directly related to my teaching area. Questions ran the gamut from how well I was prepared in my study area to how I viewed my personal treatment in both the program and on campus. In the preliminary questions, 3-4 transexual identifiers options were provided to check-off in addition to male and female for a total of 5-6 personal identifiers.

My graduate experience at NDSU was outstanding, which I conveyed in my responses. Besides filling out the questionnaire, I replied in a separate commentary that I resented the designers of the survey having me affirm their new view of humanity by the sheer fact of participating in their survey, adding identifiers through recently invented language that attempt to change timeless understanding of humanity. In fairness to a substantial segment of students' views of personhood of those attending NDSU, an alternate survey should be provided designating only male and female as identifiers as well, or just dispense with any identifier other than a name.

2015 School Year

During a school day, break-out session, sophomores were addressed by a health professional who in discussing sexual activity emphasized to students that if they were going to engage in sex, they should use birth control. I was assigned as an observer to this session. I was not briefed ahead of time that I had a role to play other than to be present as a regular classroom teacher.

Personally, I have the highest regard for this health professional, but I felt she had no right to pre-empt the right of parents to direct their children in matters of engaging in sexual relations. Further, as a father and working with high school students daily, I believe strongly that high school students are not ready to deal with the emotional, psychological, material, physical, and spiritual costs of sexual relations. The well-meaning advice of the health professional could, in my opinion, support normalizing for students high-risk behavior with life-long consequences.

Summer 2019

For the past several summers Planned Parenthood, under the credit-granting authority of a few North Dakota institutions of higher education, has presented workshops titled SAFE SPACES for teachers directed at their implementing Planned Parenthood's vision of sexual and gender education into schools (see course objectives below). I attended Planned Parenthood's workshop in Dickinson June 3rd and 4th 2019. Over the two days, the workshop was divided into segments focusing on topics relating to child and adolescent development. In passing, in a couple instances, the presenters gave lip service in remarking that parents are the primary educators of sexual education, but otherwise almost never spoke to that primary role. They stated as well at one point during the workshop that the majority of parents want comprehensive sex education. Besides assertions, teacher participants were also sometimes cited statistics, but we were not provided accompanying copies of those studies to review for origin, population, framing, facilitators, or other possible biases. Here are representative examples of sample workshop segments that were presented that I found especially objectionable and being outside the bounds for teachers to provide in public school settings:

1. Qs and As on Values Education as an educator from the workshop - Presenters suggested that

some challenging questions to expect for teachers and responses in dealing with youth in discussing sex-ed were the following: "What is the right age to have sex for the first time?" "People come to their own decisions, there is no right or wrong age." "All my friends have sex, but I don't, how can I be part of the conversation?" "I don't want to have sex yet." "Does sex hurt the first time?" "What does it mean for someone to go down on you?"

Do parents in ND want teachers to explore these topics with their children? In my school, I have the highest regard for teachers of math, English, science, etc. educating in their subject area, but I would not let some of them guide my child to tie shoes or hold hands to cross the street in the world of forming sexual identity or personhood, nor would I expect them to trust my values in doing the same with their children. During discussion in this segment, a young mother came nearly to tears as she related her loss that came when educators took it upon themselves to describe how life begins to her little girl. She had anticipated and treasured that lost opportunity to explain that conjugal love resulted in her daughter's birth. The presenters had no supportive response for that mother except interminable silence that settled upon the conference room.

2. Planned Parenthood promoted the Lark program in CO which involved the distribution of condoms to middle school and high school students in public schools. The presenters cited statistics that the program lowered pregnancies and abortions, but the ND Century Code prevents condom distribution in public schools.

Two reactions: 1. Let participants examine the study in detail for validity. 2. But so what - high school students are not prepared to engage in life-long serious consequences of engaging in sex and parents should not be deprived of the right to parent by school personnel. 2. An aside - how does anyone know for sure the numbers of pregnancies and abortions - some states do not publicly divulge these statistics and many of the chemical abortions result from mail order sources.

3. Healthy Masculinity segment explored why men are violent or aggressive - Toxic Masculinity. Participants (there were around 15 women and 2 men in the workshop) engaged in activities identifying what it was to be a Man or not be a Man.

This segment was disappointing and misleading. The set-up included, besides presenters reviewing a litany of descriptors for male toxicity, a long video of minority men interviewed in prison identifying the toxic behavior of their absentee fathers for the reason for their incarceration. After that, the man or not a man activity degenerated into stereotypes and derision of men by some of the women in the workshop with a lone female voice raising a faint defense of men. I thought, really, this is about your fathers, husbands, brothers, and sons. A fatal weakness of the workshop and another reason why Planned Parenthood should never be advising sex ed in ND schools is because nowhere in 2 days was there any mention or accounting for family breakdown or absence of family as an extremely important reason for poor adolescent

decision making regardless of the origin or degree of sex or gender education. This segment did not address family breakdown or the reasons for the absence of parents, nor did it discuss female toxicity beyond mentioning girls use manipulative behavior aggressively. Why is there a women's prison in New England? Why is North Dakota government discussing plans for another women's prison?

Following is the actual course description for Planned Parenthood's Teacher Professional Development Workshop:

SAFE SPACES

HNES 2000

1credit

Instructor:

Grading: Letter

Thursday, June 22, 2017 - Friday, June 23, 2017

Meet Thursday & Friday {8:30 a.m. - 5:00 p.m.} with course completion June 30, 2017

Location: Juniper Workantile, Bismarck, ND

Academic Level: K-12 Professional Development

NDSU Credit Fee: \$125

COURSE DESCRIPTION:

The purpose of this workshop is to provide training to adults who work with youth. The attendees will learn how to promote healthy sexuality and relationships among the youth they serve. This workshop will focus on positive youth development, adolescent sexual risk behaviors, and the importance of communication between youth and trusted adults. This workshop will highlight the importance of creating a supportive environment in an educational setting to approach topics of teenage pregnancy, bullying, and inclusivity. Specifically, we will cover topics such as consent, healthy relationships, sexual orientation & gender identity, the effects of social media on adolescents, body image and violence. Attendees will also have a chance to practice answering questions that youth might have about sexuality. Upon completion of this program, teachers will have tools to create a supportive environment for students to encourage school attendance and participation.

OBJECTIVES:

Upon completion of this class, participants will be able to:

1. Describe current trends in teen pregnancy and dating;
2. Explain key components to reducing risks of unplanned pregnancy and STIs among teens;
3. Identify various aspects of holistic sexuality and how they impact sexual decision-making;
4. Explore their own values related to sexuality and determine how to communicate to students about sexual health free from personal bias and judgment with respect for diversity;
5. Identify warning signs of unhealthy relationships in teen dating and support to youth in unhealthy relationships;
6. Be able to provide links and access to specialized school and community resources for youth when necessary;
7. Utilize motivational interviewing techniques in discussions with adolescents regarding decision making;
8. Work collaboratively and creatively with other professionals to foster students' self-esteem, motivation, and healthy sexual and relationship

choices;

9. Understand healthy youth development and how to answer questions from youth.

10.

January - February 2021

In January, a member of the Teacher Advisory Committee at DLHS directed an email to faculty members requesting input for upcoming professional development at the request of the new superintendent. In number 5 below, this faculty member suggested the possibility of LGBTQ ... training to other staff members. Faculty recommendations for professional development training were to be directed to the superintendent, administration, or committee members. Since the former DLHS college student's efforts, nothing significant regarding staff at the high school changed regarding wanting the training, nor had parents or the community asked for it. In response, in February, I wrote an extensive memo with background to the new superintendent regarding what had transpired since 2013 regarding proposed LGBTQ... training and the former superintendents and school board's rejection. No further LGBTQ... training was suggested the remainder of the 2020-2021 school year and throughout the 2021-2022 school year to staff.

Professional Development:

Mr. Bakke would like some feedback on what we teachers would like to see for professional development, both at the beginning of the year and for some of the early outs.

Some items are a must and can't be skipped (CPR/First Aid and Suicide Training, for example), but he would like teacher input on what we feel we need and what we want. Here are some basic things to think about:

1. How much time in our classrooms do we need?
2. How much departmental time/7-12 department time would we like?
3. Do we want more sessions offered at the beginning of the year like we had this year? (We have experts on staff, so why pay to bring in someone when we can learn from each other?)
4. How much outside PD (speakers from outside the area) do we want?
5. What topics would we like?

So far a refresher on Ruby Payne was mentioned as was something beyond Ruby Payne that deals with more than poverty such as sensitivity, LGBTQ, empathy, etc.

August 2021

At the start of the school year, staff at DLHS received a list serve email from a district educational support specialist regarding Trevor Project Information with an accompanying pdf link:

[Guide-to-Being-an-Ally-to-Transgender-and-Nonbinary-Youth.pdf](#)
882 KB

The official Trevor Project website in part states the organization has "increased our efforts in education. Through innovative online training workshops and strategic partnerships across the United States, we have been able to reach more people than ever before. ... 20,000+ Educators trained to create safe

spaces in schools.”

Below was my DLHS email list serve response to the staff list serve email from the district educational support specialist:

DLHS Staff:

The link below displays the “Gender Confusion and Transgender Identity” web page from the American College of Pediatricians website.

<https://acpeds.org/topics/sexuality-issues-of-youth/gender-confusion-and-transgender-identity>

This organization is one of numerous groups across the United States supporting parents’ rights to remain the first and primary teacher of their children’s identity and personhood. Outside interests, such as those behind “The Trevor Project”, seek to co-opt teachers and schools into replacing parents to indoctrinate children in gender ideology. The American College of Pediatricians website powerfully refutes assertions made by The Trevor Project.

For example, as evidence against claims related to teenage suicide, find important data and commentary by scrolling below and tabbing on “The Myth About Suicide and Gender Dysphoric Children,” shown here below.

<https://acpeds.org/assets/for-GID-page-1-The-Myth-About-Suicide-and-Gender-Dysphoric-Children-handout.pdf>

Dan Wakefield

Public education broadly represents all Americans often holding diverse values. In North Dakota, large numbers of residents do not agree with The Trevor Project’s positions on gender and sexuality. North Dakota public schools officially creating safe spaces and training faculty allies for individuals who support LGBTQ... is in opposition to parents and other local community stakeholders who disagree with The Trevor Project’s positions on gender and sexuality. On principle, establishing The Trevor Project program in public schools is not egalitarian or even-handed because it uses the state to privilege the goals of one group over those of many other groups in the school setting. Fundamentally, establishing The Trevor Project in North Dakota schools would effectively replace parents in their role as the primary and most important teacher of their children’s personhood and identity.

In 2014, The DLPS superintendent of schools recognized the need for public schools to serve the best interests of all its students and community members on an even-handed basis when LGBTQ... advocates pushed for gender and sex ed training for staff followed by the establishment of faculty allies in classrooms. In an official policy statement, he wrote that “schools are about “tolerance” not “advocacy.” Tolerance for all students is the goal of the Devils Lake Public Schools. We want to provide a safe environment for all students without any specific identification. We start this process with respect assemblies in the elementary schools, Character Counts is implemented at Central Middle School, and we continue to have our district-wide Respect for All Program.”

“The topic of LGBTQ is a very sensitive topic both politically and religiously – two arenas that public schools are much better off not being involved. Public schools, educating K-12 students, are a much different setting than a college or university.”

November 2021

High School administration advised social studies department faculty that the ND legislature in its special session had passed legislation “prohibiting the teaching of critical race theory in public schools.” The law defined critical race theory as follows: “For purposes of this section, “critical race theory” means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality.”

A department member’s response to administration and the rest of the department included this statement: “This is stupid. Any social studies teacher worth their weight as a historian and educator is and has been teaching aspects of CRT.”

I disagree. My objective would not be focused on CRT as a lens to teach history. It is a distraction. Teaching aspects of CRT does not place the racism that has occurred in the history of the United States in context, nor can it begin to realize in the education of students a meaningful understanding of US History. Slavery, Black Codes, inequality, discrimination, the ongoing Civil Rights movement, etc., are just a few of numerous important themes that together comprise a mosaic of the history of the United States. As examples, today, those themes are explicit, detailed, and comprehensively treated in standard US History texts and need to be taught with depth and purpose, but they only remain important parts of US History.

Nikole Hannah-Jones wrote, “Our founding ideals of liberty and equality were false when they were written,” in the opening page from her essay in The 1619 Project. Today, is racism systematically embedded in American society and the American legal system to facilitate racial inequality? Are institutional racial oppressors and oppressed the basis for the founding of the United States and ever present today? Teach on that basis and gaping holes in the history of the nation distort understanding. America came to be what it is now through indigenous North American peoples, Jerusalem, Athens, Greece, Rome, England, West Africa, Spain, France, Europe, Asia ... - the story is ongoing and if this progression is not taught or understood by students, they are at least in part historically illiterate.

Laws may be passed that focus attention on schools, and though they make a needed statement about 2023 and not 1619, they are not a fix for a comprehensive, more balanced history of the United States. There will always be varied perspectives in a free and democratic country. Teachers will continue to be influenced by a free flow of information that is protected under the First Amendment.

An example of this free flow of information is unsolicited copies of *Teaching Tolerance* magazine published by the Southern Poverty Law Center. Their magazine is mailed on a routine basis to the school mailboxes of US History teachers across the country. In the Fall 2020 issue, the lead article reads on page 20, “Since both anti-Blackness and white supremacy are baked into our country’s foundation, they often play out in our daily lives. And just as all white people have the ability to weaponize their whiteness, all Black people can be harmed by it. Black students aren’t exempt. Weaponizing whiteness happens in schools every day.” Another example comes from Corwin, a large corporate multi-media professional development book publisher, educational consultant, and service provider in an unsolicited school email promoting the 2022 book *Our Problem, Our Path*. The email sales blurb states the book “supports White people to help one another find the trailhead and start moving on the path toward a more just, equitable and loving multiracial society for all.”

Fall 2021 and January 2022

In late Fall of 2021, and again in January 2022, DLHS received several boxes containing an assortment of paperback books as a result of Federal Striving Readers Grant Money. Small bookcases were filled with the books and placed in all Social Studies classrooms with the goal for students to use spare classroom time in reading to increase literacy. I took a cursory look at the first shipment into my classroom. They were a cross-section including fantasy, science-fiction, sports, history, and books about teenage relationships. Despite making students aware of the books and their availability only one student checked out a book in my 6 classes. When the second set of books came in January, 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. As a whole, many of the books were endorsed by prominent organizations, and a few had been nominated for or won literary awards. But in my judgement, these were not books that could make into a Great Books academic program. The ones dealing with relationships were generally devoid of purpose, not inspiring or uplifting, for example, high school social scenes and parties, parents generally with problems, teenage angst and self-absorbed image problems, victimization, stereotypical bad treatment from privileged or popular kids. Though I did not take time to review all the books that dealt with relationships, a few seemed to clearly have no uplifting redeeming social or literary value except in the minds of a few critics hundreds of miles away. Some examples:

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 900 mile road trip with friends for abortion

The Music of What's Happening – 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

During checkout, I advised administration that the books that had come into the high school from 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 spending time in the building about the books, the response was, well that's not so bad it would be different if staff was 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 is not pushing them so it's not a problem and we don't need to do anything about it.

This was an eye-opener. If this is the norm now for books for high schools, my reaction as a parent and teacher is public schools have become complicit in sexualizing students. There is a need here for legislation, which charges public schools with notifying and making available for the public to review books schools are using, the process directed by local school boards, before those books are used in a school setting. Many traditional school libraries are on the way out, so provision would need to be made for reviewing E books read on tablets.

August 2022

Long-time colleagues informed me of policy changes at DLHS directed by administration to staff during Fall orientation before the start of classes. The bullet points listed here were stressed by the principal to staff from slides under "What I Told Kids / Parents" Below the bullet points from the principal are my initial reactions.

Depending on the intent or expectations of these statements by administration, some of these directives appear that they could be coercive and cross 1st Amendment boundary rights of staff members.

*If you don't know what LGBTQIA+ stands for/means – you better learn.

LGBTQIA+ are letters – conventions of speech with controversial meaning and implying in some ways radically revolutionary anthropology that has entered into public discourse in maybe what – at most the last 1/10 of a second of human history? The terms need to be discussed to arrive at shared meaning and possible agreement as to their validity. What in depth does the administrator think those terms mean? The staff? The community? Is there shared agreement on meanings and the implications of those meanings for educating students in the school setting?

*Your moral compass cannot get in the way of embracing and educating our children.

What? Teachers are not to rely on their moral compass in their interactions with students, staff, and their fellow human beings? So, there is no objective moral truth? The morality of every action is relative? Then who decides the limits of when staff can be compelled to violate their conscience? Whose moral compass should guide staff when teaching students? The administrator?

*Your religious beliefs are your beliefs. You can hold these near and dear, but they cannot get in the way of your willingness to embrace and educate our children.

Religious beliefs don't count? The first amendment to the US Constitution doesn't count? Under what circumstances? Someone obviously needs an explanation of what the Constitution means and what system of government we live under.

So, teachers cannot rely on moral truth or recognized natural law, the basis of religious teaching, in guiding their actions? Define embracing and educating. Embracing how? Educating what? There are problems with understanding this platitude if that is what it is and what these statements are meant to convey. Some forms of embracing are damaging. Some educational ideas may be hurtful. Who decides? The administrator?

*We need to move past tolerance! Tolerate is a negative word. We cannot be people who tolerate the beliefs of others or the behaviors of others.

Why is tolerance a negative word? It indicates a willingness to allow others to, for example, express an opinion or conduct an action, but not agree with that opinion or action. It is a norm in a free complex society and as the Founders stress in the Federalist Papers our system of government is composed of opposing factions and doesn't function without conflict and disagreement. Democracy is often messy. To insist on acceptance, or agreement, or affirmation from others for your own or others actions or beliefs is a form of coercion. Compelled speech or compelled thought is not free speech or freedom of thought. Totalitarian societies and governments in our time and throughout history insist and function on conformity of thoughts and actions – group think.

What does administration mean by “our children” in these bullet points? This is a serious question. Because in staff meetings, on more than one occasion, the principal has informed staff that churches have declined, and families have declined, so now the school needs to do more to compensate. Staff has objected openly to the practical implications of that statement. Parents on staff do not want the school to assume more responsibility for their families. Were parents in the community asked if they wanted the school to assume more responsibility for raising their children? Have citizens been asked if they want the school to replace the religious values of their families with secular values?

These principal's bullet points at last Fall's staff orientation before school began were stressed to staff from slides under “Inclusive Environment.” Below those bullet points are my reactions to the principal's bullet points.

*Gender Identity, name, state ID (name), testing, etc. ...

*Powerschool will be updated with preferred name/gender. Use those.

In teaching I very occasionally had students asked to be called by another name. I accommodated those students who I thought were sincere. But this can also become a game. Today students sometimes have unusual and unique names that are not based on phonetics. Occasionally, names are forgotten or unintentionally mis-pronounced and most students understand that. Practically speaking, how is gender used in Powerschool and why does that matter?

*Pronouns

*Some students may request they/them specifically while other want he/his, she/her, etc. ... honor what they ask for.

Where is this social engineering coming from? In over a quarter century of teaching, I never experienced any student ask to be addressed by a specific pronoun. Why is this needed? When have any staff become aware of students banging down office doors demanding to be addressed by pronouns? This directive is almost entirely irrelevant and non-sensical. People speak using conventional address in high schools. In school, pronouns are rarely used by teachers addressing a student. Students are addressed by their given name or occasionally by a nickname. To use a recent figure of speech questioning the inanity of this directive: “What is Woman?” In this Brave New World that is being created at DLHS and in some schools across North Dakota, what happens if someone is known to be male or female and cross-dresses and is then not called by the name they want by staff or students? Will not remembering to use one of the over 50 pronouns now being tried out be considered a serious infraction of policy? Will confusing that pronoun with a new one that is manufactured next week and picked up by a student on

social media for use – will that be considered a serious infraction of policy? Will non-participation in gender fluidity preferences, contrary to known biological reality, be consider cause for dismissal or some form of demotion or punishment for staff or students?

Compelled speech (that serves no practical purpose) is not free speech and is in apparent conflict with the 1st Amendment to the US Constitution.

On my exit form last May terminating employment, I was asked to list challenges facing Devils Lake Public School for use by the superintendent and the school board. The number one problem I listed getting in the way of students getting an education was the ever-growing culture of distraction created by ever-growing, unnecessary time-wasting policies and activities in our schools.

Here are the words of staff at DLHS after experiencing Fall orientation before the start of classes: “I don't understand why we are doing this. I am just here to teach. I don't care what your sexual orientation is, your religious background, other personal beliefs, or what you want to be called, etc. I just want to teach.”

Request of the Legislature of the State of North Dakota

Given the now apparent threat to citizens' rights under the 1st amendment to the US Constitution that are now being instituted in our schools through policies by a small group of unrepresentative activists, a law recognizing freedom of speech, conscience, and religion for staff and students in North Dakota schools should be enacted with accompanying penalties for intentional infractions.

Footnote: A 2020 graduate of DLHS entering the engineering program at NDSU, during online orientation led by gender studies majors, with about 50 other Freshmen, was provided and strongly encouraged to pick from a wide range of pronouns for use on campus. He told me none of them were having it. (sorry, I think I just used a banned word)

Dan Wakefield

Devils Lake, North Dakota

Hi, my name is Caedmon Marx. I am a 22 year old native of Bismarck North Dakota. I use they them pronouns. I also serve as the outreach committee chair for Dakota out right here in Bismarck North Dakota which means I do you get to work with youth at some points, and I just want to stress the importance on the fact that there is , a multitude of scientific studies that show that the use of preferred pronouns decreases the chance of suicidal ideations significantly decreases, not only that, but they feel more excepted and supported, and they are more likely to engage in school more which then can lead to higher grades and test scores not only that, but in my time with working with the minors, who I do work with, you can immediately tell when they've been around people who do not respect their preferred pronouns because they close off from other people and coming from someone who in high school, never exactly fit in in this culture today it's either you fit in or you're ostracized and coming from the fact that I also just recently got out of high school, I didn't understand the meaning of they them pronouns, until after I grew up, which made me feel awkward, and like I did not belong and over the time of just my upper classmen years of high school, I had had accumulated of seven different attempt to take my life. I can tell you now that if I would've understood what they them pronouns were and that that's what I was, I probably would never felt the need to take my life as much as I did.

I am submitting testimony in support of SB 2231

Senate Judiciary Committee,

My name is Tricia Vandermay and I reside in ND. I am asking that you please render a DO PASS on Senate Bill 2231. Thank you for your consideration regarding this important matter.

Tricia Vandermay

Members of the Senate Judiciary Committee,

“My name is Thea Holter and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2231.”

The transgender movement has infiltrated every area of society and in every institution, including schools. There is no logical argument or medical evidence to support gender ideology, and as such, activists have had to resort to authoritarian means and bully tactics like compelled speech to inject their religion into policy. One example was in Wisconsin, a school district reportedly filed a Title IX complaint against three middle school boys, accusing them of “sexual harassment” for using the wrong pronouns.

The Supreme Court has recognized that the government may not compel a speaker to affirm a belief with which the speaker disagrees. The state of North Dakota should clearly assert this foundational principle of free speech in order to protect government employees from being compelled to violate their religious beliefs or opinions.

Thank you for your service to the state of North Dakota and for your time deliberating this issue at hand.

Thea Holter

I am Samantha, a ND resident, psychologist, mother, daughter, friend, sister and advocate. I am writing this letter on behalf of my husband and I, both of us born and raised North Dakotans. We are providing this testimony in opposition to bill 2231, which would prevent school policy that acknowledges gender identity.

I write this testimony from a personal and professional perspective, as it's hard to separate the two as a mom to a gender non-conforming son and a psychologist who works with transgender youth in the school system. I can't help but advocate for other children and parents across the state, whose children have many years left in our local public school system, and could be greatly impacted by such a law. My husband is also a teacher in our local high school, and the detrimental impact such a law would have on his work and how he does his job. So, for many reasons, I would like to introduce you to our family.

My husband, Tanner and I, have 3 beautiful children, ages 7, 6 and 3. Our 7 year old son is kind, intelligent, timid and a lover of all sports. Our 6 year old, is a silly, fairy and mermaid loving boy, who takes great pride in his long curly locks and non-conforming fashion style that includes, leggings, skirts, dresses and sparkles. He loves singing and has a great sense of humor. Our daughter is a sassy, sweet and smart little firecracker of personality. This letter is addressing my middle son specifically, because how we choose to parent him and who he is, seems to cause controversy, hurt feelings, confusion and curiosity.

We take great pride and joy in our children, as do most parents. However, that doesn't mean parenting a child who is non-confirming in regards to their style of dress and interests has always been easy. There have been many moments of fear, sadness and anger along the way. There's also been growth, love and so much pride. These feelings began when our son was 2 years and 3 months, when he very first started dawning his baby blankets as a "dress" in his cute voice, and asking to put my tank tops on as dresses also. As most people, we thought it to be just a "phase" or a kid being a kid. Well, 4 years later it has only grown and developed into a unique, happy, smart and fun loving kid who loves even more his dresses, leggings, Mario, makeup and rainbow colors. Now, in those 4 years the feelings I reference weren't because our son was and continued to like all things "girly", the fear, anger and sadness has been from knowing how some people WILL treat him and judge him, throughout his life. People who don't understand or think his interests could have been avoided if we had parented differently. Personally and professionally, I know the instinctual response to lack of understanding is judgement. I know people judge and then create the "story" or justification that fits their fund of knowledge, even at times without intention. My work has lent me to understand this automatic thought process very well, so I do my best not to judge those who judge, and instead try remind myself of their lack of understanding. You must believe we have heard it all, from "he will grow out of it" to "he must like to copy his mom." Anyone who knows me, knows that I am not anything of a girly fashionista, and at this point can say my 6-year-old has surpassed me in that dept. I prefer to wear jeans and a tee shirt if given the choice.

We do acknowledge that we don't know what his future self will be like, he may "outgrow" and change his interests, but this is who is NOW and as his parents we are going to honor that to highest degree. The core values in our home include love and truth, which we want to foster and model for our children in all aspects of life, not only when it's convenient. I can remember fondly the day I bought him his first dress from a second hand store after months of contemplating that decision, the genuine wide smile on his face was the epitome of love. He loved that dress...he loved how he looked...he loved me for buying it for him, and allowing him to wear it nearly every day and everywhere. That's what we want for our children if we are able to provide it, LOVE. I'm sure all parents want for their kids to feel loved and experience joy in something as simple as what they are wearing. We couldn't imagine keeping that amount of love and truth from our child daily because of fear or lack of understanding. We can't, and will never choose to withhold happiness, truth and love from our children for who they are.

Despite our early efforts to encourage him to like trains, cars, dinosaurs, sports and the color blue...his true self didn't waver. We admire his spirit for never giving in to the pressure I'm sure he felt at times from us and others. We hold firm to our strongly held belief that his two-spirit nature is here, on this earth, in this state, to spread that love, far and wide. We write this not only to support our son, but all kids, teens, and adults who feel they can't be themselves. We write this so people like our son, or those different in any way, can be seen and respected for the beautiful human they are, rather than judged and misperceived from what is not understood.

Now that you've been introduced to our experience with a gender non-conforming son, and that it's possible he is transgender or non-binary, I'm hoping you can better understand our concern with a bill such as 2231, which could derail the happiness and pride we have worked so hard to instill and maintain the past 4 years. If he was your child, grandchild, or nephew, would support and be okay with sending him to a public school where teachers are unable to treat him with respect and acceptance? I don't share this only from a mom perspective, but as a psychologist. It has been made very clear that unsupportive and non-confirming interactions toward transgender youth has traumatic effects on their lives. Research has confidently shown that lack of support or accommodations to transgender students results in higher suicide rates, mental health issues, poor self-esteem and lifelong struggles. Is that what you want for our youth? Is this what you want to be part of in the great state of ND? These are facts, facts that reputable organizations and research teams have proven and report time and time again.

Such a law would also take away the rights of teachers to treat students in a way they personally feel is best for students based on their morals or years of experience in the field. And not only would this bill take away their autonomy, but force teachers to treat students in a way that knowingly causes harm and possible chronic mental health issues. School

should be a place we foster growth, acceptance and respect. Can you really support a bill that would likely be creating trauma for years to come? Do you truly think that taking away autonomy from teachers, and forcing them to participate in correspondence with students in way that has been proven detrimental is a good idea? I can't imagine teachers being satisfied in their already, very difficult jobs, with having to engage in such treatment at the risk of losing their job or being penalized with an abysmal fine. It is very clear, how the proposed bill de-humanizes individuals, making them less than, and subjects them to potential violence and mistreatment. More accurately, such a bill is an attempt to ignore a real and ever existing group of people because they are different than majority and possibly make some people uncomfortable.

I am sure you have some reason(s) why you feel this bill could be helpful to some, otherwise it wouldn't exist. However, it is very clear to many, if transgender students being treated with respect in schools and allowing teachers to treat transgender students with said respect makes people uncomfortable, the problem is not transgender students, or teachers calling them by their preferred pronoun. No, the problem is much bigger than that, and you're putting your energy, opinion and self into the wrong area of finding a solution.

I am hoping this letter is heard, that you have kept your mind open and willing to understand a situation that is often controversial and misconceived, and is replaced with a little bit of compassion, self-reflection and humanistic growth.

Thank you for your attention, I appreciate your time.

Samantha Beauchman
Valley City, ND

Chair Larson and members of the Senate Judiciary Committee:

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

This bill's language would effectively serve to protect perpetrators of certain forms of harassment and discrimination, namely against people within the spectrum of sex and gender expression, in schools and workplaces within North Dakota. It constitutes a strongly insufficient understanding and legal framework of the realities of these forms of harassment, as well as the need to protect the individuals who experience it.

This proposed bill would not achieve anything beneficial for the state or people of North Dakota. Its enactment would curtail human rights unnecessarily, and for no purpose other than discrimination itself. To pass it would only make North Dakota a less safe place by eroding civil rights and encouraging prejudice and aggression. It is morally wrong to do so, as well as harming the reputation and civil rights of our state.

Thank you for your consideration.

Shane Thielges

Hi there, I am writing this testimony in opposition to SB 2231. This bill would allow for the discrimination of trans individuals, and simultaneously grant protections to those who would engage in discrimination be it in the workplace or at school. A bill like this would only serve to increase the rate at which trans individuals take their own lives by protecting the bullies of this world and their discriminatory practices. What is most confounding to me is bullet point 2 in: 14-02.4-03.1. Preferred pronoun - Discriminatory practice. Where-in those who would engage in an activity that is proven to dramatically lower the mental health of an individual, put them at greater risk of self-harm, and also leave them prone to subsequent harassment, are the ones being protected from discrimination. It just makes no sense. Its like looking at a bully at a school yard and telling the kid who takes a risk to stand up to them, that because of their actions they are getting detention, not the bully. This is America and we are a democracy. Telling people how they need to act and what they need to say, not only goes against First Amendment rights, but it also goes against our core-tenants. In doing so, it creates a land that is not-so free anymore. And for that, I urge you to reconsider.

In Opposition to SB 2231

I am writing in opposition to SB 2231 and urge a Do Not Pass for this bill.

As written, this bill is government overreach that doesn't solve a problem. Using someone's preferred pronouns is a way to show respect and acceptance – something we all deserve as human beings. This bill discriminates against students and teachers, and any other employees who are committed to honoring pronoun preferences – now being told that they are not allowed. Every employee and student deserves to live in a healthy environment where they are addressed in the way that they prefer. It doesn't hurt anyone to be kind.

I urge a Do Not Pass for SB 2231

Janet Mathistad
Minot ND

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

My name is Erin Power and I am a deacon serving the Eastern North Dakota Synod of the Evangelical Lutheran Church in America (ELCA).

As a Christian, I believe that God created this world with abundant diversity – and did so intentionally. From the beginning, we saw a multitude of plants and animals being brought forth- we know that it both makes our landscape more colorful and interesting, but also creates a healthier, richer ecosystem. I believe that this divine diversity also extends to us as humans. The varied ways we show up in the world make our landscape more colorful and interesting, but also creates a healthier, richer ecosystem. But only if we foster and support that kind of diversity.

My faith as a follower of Jesus also requires me to love and care for my neighbor, especially those who are vulnerable or at risk of harm or who don't always experience love and welcome. Jesus modeled for us that God's love was for all and challenged those who sought to create barriers or exclude.

As a judicatory, we believe that this love includes LGBTQIA+ people. This past summer, the Eastern North Dakota Synod passed a measure with almost a unanimous vote which included two major recommendations:

- 1) that congregations are encouraged to seek out ways to become truly welcoming communities for all, especially those who have suffered alienation and harm because of their sexual orientation, gender identity, or gender expression, offering them hope and safe harbor in our world; and
- (2) that members of ... [our] congregations, look for opportunities to show their support and advocate for the care and protection of LGBTQIA+ people through members' vocations, our church's own institutional practices, and public policies in our communities and state.

Today I am responding to that call to advocate for the care and protection of LGBTQIA+ people of our state.

But I'm also writing today because I'm an aunt to four kids growing up in North Dakota. My experience of growing up here was a community that was safe and supportive of me as I figured out who I was & grew into adulthood. I want that same supportive space for our youth in North Dakota today. If the youth in my life end up coming out as LGBTQIA, I want them to live in a community that supports them for who they are and how they show up in the world. I want them to feel safe and to thrive and to know that community leaders and educators will support them in who they are. And regardless of their gender identity or sexual orientation, I want them to grow up in a state that teaches them inclusion, a state that values diversity and cares about who they are. A Do Not Pass vote on this bill will send a clear message that North Dakota is that state.

Deacon Erin Power
Fargo, ND

Dear Chair Larson and members of the Senate Judiciary Committee,

As a lifelong resident of Minot, I am writing today in opposition to Senate Bill 2231.

Transgender individuals live, love, and exist in our community in valuable and important ways.

This bill, along with many other written this session, are an unnecessary method of targeting trans lives with no positive benefit. Queer individuals, especially youth, are already at an elevated risk of suicide, self-harm, depression, and anxiety. There is absolutely no reason that we need this kind of intervention in our schools, government offices, or boards. I ask that you give this bill a Do Not Pass.

Thank you for your time and consideration,

Mary Elizabeth Gamas

Senate Bill 2231

Members of the Senate Judiciary Committee,

My name is Shawna Grubb and I reside in District 35. I am asking that you please render a DO PASS on Senate Bill 2231.

- Requiring employees and students to perpetuate the delusions of the mentally ill will not bring healing to the mentally ill, nor will it benefit society.
- Requiring teachers to violate their religious beliefs and opinions for employment will result in more teachers leaving the profession and an increase in the teacher shortage.
- The transgender movement has infiltrated every area of society and in every institution, including schools. There is no logical argument or medical evidence to support gender ideology, and as such, activists have had to resort to authoritarian means and bully tactics like compelled speech to inject their religion into policy. Two examples:
 - A section in the revised Fairfax County Public Schools “Student Rights and Responsibilities” draft handbook would punish students with [suspension](#) for “misgendering” a classmate.
 - In Wisconsin, a school district reportedly filed a Title IX [complaint](#) against three middle school boys, accusing them of “sexual harassment” for using the wrong pronouns.
- The Supreme Court has [recognized](#) that the government may not compel a speaker to affirm a belief with which the speaker disagrees. The state of North Dakota should clearly assert this foundational principle of free speech in order to protect government employees from being compelled to violate their religious beliefs or opinions.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Shawna Grubb

DO PASS – SB 2231

Dear Chairwoman Larson and Members of the Senate Judiciary Committee,

I am writing as a private resident of North Dakota, requesting a Do Pass recommendation on Senate Bill 2231. This important legislation will help protect religious freedom in our state.

Please recommend a Do Pass on this bill.

Sincerely,

Rebekah Oliver

January 24, 2023

Chairperson and Committee Members,

I strongly urge a Do NOT Pass on SB 2231. When a person tells you their name, you use their name to address them. Our names are a major part of our identity. They reflect both how we are known and how we see ourselves within the world. Pronouns are an extension of a person's name. If a person requests to be called a particular name, you call them by that name. The same is true for pronouns. If an individual requests to be called by a particular pronoun, that request should always be honored.

Disregarding a name or pronoun is an act of denying someone the ability to express themselves. This is a violation of the First Amendment – Freedom of Speech. The act of denying or repressing another's identity also leads to a degradation of mental health.

Suicide is the second leading causes of death in North Dakotans aged 10-24. North Dakota ranks 16th in the nation for suicides. We do not need to add any additional sources of mental health degradation. Rather than passing legislation which denies people's identities and drives potential workforce away from North Dakota, we need to do everything we can to reduce our suicide rates and pass legislation which presents North Dakota as a welcoming and affirming state.

I urge a Do NOT Pass on SB 2231.

Sincerely,
Gretchen Deeg
Bismarck, ND

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

This is a poorly written bill.

“Preferred pronoun’ means a pronoun that does not conform to the individual's assigned sex at birth” is simply false. My preferred pronouns is “she,” which matches my assigned sex at birth. I prefer that you use female pronouns when addressing me or speaking about me. The section on expressed gender is likewise poorly written. In certain times in history men regularly wore wigs, make-up, tights, and high heels. If a student who was assigned male at birth came to school wearing wigs, make-up, tights, and high heels, would that violate the understanding of expressed gender? Gender expression is a socially constructed set of norms, not something determined by biology. What is typical today may be wildly different ten years from now. The bill defines “sex” using three criteria, connected by the word “and,” meaning a person’s sex must comply on all three levels, but these are criteria almost no one has at their disposal, which would be cost prohibitive to obtain. The state could not prove the “hormone profiles at the time of birth” because we simply do not track these.

The section regarding prohibiting teaching about or training teachers about expressed gender creates a self perpetuating state of ignorance. It prevents us from learning. Human knowledge is constantly expanding and transforming based on new discoveries. It is one of the wonders of the human brain that we can consider new information and adapt. This bill prevents us from learning, in school. That is rather ironic, because schools are supposed to be institutions of learning.

Aside from being poorly written, the consequences if this bill passes will have a direct effect on the life expectancy of North Dakotans. When people die young, it disproportionately affects life expectancy. We know from school surveys that transgender youth in North Dakota strongly consider suicide at rates much higher than other youth. This is not dependent upon them transitioning and having people respect their preferred pronouns. In fact, the ones most likely to attempt suicide are youth who know they are transgender, but also feel like there is not a safe place for them to transition. The idea that we can get rid of transgender people by pretending they don’t exist in North Dakota, is the idea that we can get rid of them by ensuring they do not survive until adulthood. What if your own child completed suicide and you found out later it was because they felt transgender? \

I have sat with North Dakota parents whose transgender youth died by suicide as a direct result of the kinds of policies this law would codify. If just one teacher, just one school staff, had acknowledged their preferred gender, their chosen name, the way their brain told them they are, perhaps things could be different. How many of North Dakota’s children will die because of this bill or any one of the bills proposed this year?

My child felt like an outcast because our school system is so gendered. There was no third category in which their “I’m not either of these two options” self could fit. Have you ever been somewhere that just didn’t fit for you? What if you were required to be in that place for 12 years? The first week of kindergarten my kid did not eat lunch. The other students split by gender when deciding where to eat lunch and my kid, who was marked “female” at birth did not feel female. More than that, they knew they aren’t female. Literally at 5 years old my kid knew they were different and it made them unable to eat because the world did not acknowledge the possibility of this difference. As early as preschool a teacher noticed that my child’s interests could not be classified by the typical binary gender.

When scientists look at the brains of transgender people they are different than the brains of others assigned the same gender at birth. “In studies that use MRIs to take images of the brain as people perform tasks, the brain activity of transgender people tends to look like that of the gender they identify with.” [clevelandclinic.org] Gender is not the same as your genitalia. Just like a parent with brown eyes and one with blue eyes can have a green eyed child, gender is more complex than we have thought. It is not one or the other and not decided solely by external genitalia.

Please do not pass.

Thank you for your consideration

Rev. Michelle Webber

SB #2231

68th Legislative Session

Senators: Luick and Meyer. Representatives: Cory and Karls

How many of you know a transgender person? How many of you have talked to a parent of a transgender youth? I am here today in opposition to SB #2231. I am a citizen of North Dakota and a parent of a transgender person who is also a citizen of North Dakota. As a parent and a person who believes in equality for all I must tell you that this bill is unjust and uncalled for, and it is apparent that the authors of this bill have chosen to go after trans children. This bill not only discriminates against these kids but also goes to great lengths to make their life at school unbearable, humiliating and demeaning. I know first-hand how a negative school experience can harm the self-esteem and self confidence of a transgender youth, how many of you can say you have even considered the ramifications of what this bill will do to the youths of North Dakota?

People who are transgender are born this way, this is a medical fact and something that needs to be accepted and acknowledged by CIS people. You can not state DNA in your bills and yet ignore the other important science fact that an MRI proves, that the brains of transgender kids are in fact the gender that they identify as. Male brains and female brains are formed differently, and the differences are visible using an MRI. This bill punishes people who are born transgender. Is that fair? Do you plan on making a bill that punishes kids who are born blind, born with cerebral palsy, and other physical conditions that may repel you? That is the very definition of discrimination.

School is a place for learning. Here kids are taught the rules of how to interact with one another. Kids are told that inclusion is what the schools want but under this bill, that is all but impossible unless the transgender youth denies or rejects who they are just to make others comfortable. I cannot understand why an adult who knows nothing about these children would go out of his or her way to make life difficult for transgender kids. What do you think this bill tells the CIS youth of North Dakota?

Allowing a transgender youth to go to school as they see themselves hurts absolutely no one. In fact, CIS people would have an opportunity to learn as well as the faculty, staff and administration of the school. Transgender students pose as no threat to their CIS peers what so ever. My child didn't harm one person at all and yet she was a victim of a crime by a CIS peer. My child went to school and showed respect to faculty and staff, yet those same adults disrespected her day after day and continued to do so even after their actions were made known to the administration and they were warned not continue their behavior. Tell me who was the threat? Who did wrong in those cases? My child was just doing what she had to do, go to school and she did her best to learn even though the situation was made difficult not because she was confused or struggled to be her true authentic self but by those who made her school day as difficult as they could. This bill doesn't help anyone, what it does is harm the youth of North Dakota.

SB #2231

This bill tells the CIS youths that people who do not look like them or are different from them do not deserve the very rights and privileges they enjoy. This bill tells CIS youths that it is ok to exclude people who are different and does not foster the skills of socializing and learning to work and live amongst those who are different from themselves. These CIS kids will grow up feeling entitled and have the false idea that this is how the world outside of North Dakota works. These CIS kids will be ill equipped to work among people of different cultures or backgrounds because they were not taught the skill of socializing in their formative years, the K-12 school years.

Not allowing transgender youths to use the pronouns, names and facilities isn't protecting anyone. By putting up these barriers, the transgender youth is put under extreme stress and mental anguish. How is using a pronoun that the transgender child identifies hurting a CIS peer? How is the child using their chosen name making the workload of faculty, staff or administration more strained? It doesn't.

The bathroom and locker room situation are really a non-issue. My daughter used these facilities and she wasn't using them to see other girls or to touch anyone. My daughter went in these rooms for the same reason as the other girls used them; to either use the toilet or to dress for gym class. It's that plain and simple. Transgender children shouldn't be forced to use a separate room to dress for gym or to use the toilet. That is exclusion. That is segregation. Haven't we learned from history that segregation is a bad thing? Why must history be repeated? Is it because adults are uncomfortable? Is it because adults have a hard time realizing that their ideas of social norms is actually false?

Our kids learn from what we model. Our kids learn from what we say at home and how we treat people. I taught my kids what Jesus taught, love and accept everyone. I taught my kids that no one is better than anyone else and to be nice. The very basics of what Christ taught is what this bill doesn't do.

You could easily be standing where I am now. You could be the parent of a transgender person, or maybe a grandparent or have a niece or nephew who is standing before a bunch of strangers, trying to make them understand that what they are doing is harmful to many kids, kids who did nothing wrong but try to live as the person they see in the mirror. No one should be forced to live as someone they aren't just to make strangers happy. Would you be happy living the life of the opposite gender just to make me happy? Would you like it if I forced your child to live as the gender I think they should be?

My child is happy and healthy living a life as her authentic self. She didn't hurt one person in doing so. I am so glad I had the insight to do what was right and help my child become who she is now. As a parent, are you willing to accept the consequence of this bill?

Kristie Miller
Parent of transgender

Dear Senators, I am writing in opposition to SB 2231. I ask that you give this bill a Do Not Pass.

This bill is a dangerous and harmful affront to the human rights of every North Dakotan. SB 2231 is discriminatory and while it is obviously targeted to discriminate against those who are transgender, I believe it will certainly be used against cisgender North Dakotans as well. Everyone's presentation of their gender would be policed under SB 2231. Anyone's gender identity or gender expression could be challenged. Gender is subjective to each person and what one considers a masculine expression versus feminine expression is varied.

As a lifelong resident of North Dakota, I urge the committee to listen to the experts in the field and give SB 2231 a Do Not Pass.

In support of SB 2231

District 18

You cannot “be” a pronoun. This whole pronoun debacle is being created by people who want others to affirm their every feeling and changing whims in order to feel some control. Using made up words like “zer” and compelling others to lie when referencing you is ridiculous and being forced on Americans every day.

I’m sure that many who fall into the category of needing this empty affirmation will stand up to give testimony that this bill is unnecessary, that using “preferred pronouns” is kind, etc. Except it is not kind to lie to people or to force people to lie.

If we do not do this, we will next be in the news for suspending honest students for not lying about their classmate’s pronouns. Teachers in Grand Forks have already been instructed and policies put into place that say children can pick their pronouns and the parents don’t need to be notified. You cannot tell me that we don’t have teachers pushing this grooming agenda on children in order to confuse and affirm their twisted view on reality. Adults shouldn’t need kids to call them a made-up pronoun to feel validated. Please stop this mad takeover of language and all things right and true.

Every day I see proof that we need to put a stop to this kind of compelled speech, and it should not be a hard decision to put this kind of protection into place in ND.

Erin J McSparron

Senate Judiciary Committee Members

My testimony is in opposition to Senate Bill 2231. I urge you to give this bill a Do Not Pass.

I am beyond disappointed at the regressive legislation being proposed here. Not only would this bill be harmful to our youth, it introduces ideas which err dangerously close to resembling the pattern defining stochastic terrorism, the process of repeatedly dehumanizing a group with the intent of inciting violence. If this is not the intent then any reasonable person would not introduce such a bill or in such number as all related bills introduced this legislative session. It is reckless, not merely negligent of the real harm it can cause to our most vulnerable population.

Regards,
Royce Brown
Minot, ND

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

I'm a suicide prevention advocate and this is the fourth bill I'm addressing for approximately the same reason. I want to give each piece of legislation its own space and respond to the specific amendments the bill hopes to make. While I want to respect the process, I feel like the sponsors of these bills are not. And it feels like they're proposing as much as possible with the hopes it'll stress our system and discover what pieces of legislation fit.

I don't think this represents good governance. In what ways should we consider this bill different from SB2188 or SB 2199 or HB 1522? There is some wisdom we can draw from studying history. That history just happens to be the last week and all of the testimony from individuals working within schools and healthcare that have already been submitted on similar issues.

These aren't bills so much as conversations in exploration of exactly where we're comfortable reducing, limiting, or removing rights of transgender and non-binary youth. This bill defines "preferred pronoun" as a pronoun different from a person's assigned sex. That is not how anyone uses that word in common nomenclature. Cisgender individuals use preferred pronouns that match their sex assigned at birth. It's in their emails a lot of the time, with a link explaining why they do it.

The biggest intent I see with this bill is the right to misgender transgender and non-binary youth without penalty. We have research from Trevor Project showing the impact of misgendering youth on suicidality. It is important to understand that misgendering trans individuals is not a value neutral action. It creates psychological and minoritized stress that has an impact on anxiety, depression, and again suicidality. The same way it does for cisgender youth who are bullied by being misgendered.

Kids who are misgendered don't feel safe with teachers who misgender them. The reason we developed guidelines for accepting trans and non-binary youth within schools is related to school belonging, performance, and health. Misgendering youth intentionally is something we understand and recognize as bullying, due to the observable impact it has on youth.

The reason teachers are disciplined in schools for misgendering youth is because these teachers are bullying kids, making them feel unsafe, and otherwise making school miserable or inaccessible from an outcome and data perspective. Kids don't just think - oh no, Mr. Teacher isn't using the pronoun I made up, what a rascal. They think - this person isn't safe and makes me feel awful.

That is why I urge a Do Not Pass. Teachers have a choice in where they go and where they work. There are schools outside of our regulation they're welcome to instill their beliefs on students. Kids don't have that choice. They don't get to leave the environment they feel

uncomfortable in. And when they feel like there is nothing they can do, that is where and why we lose them.

Thank you for your time, consideration, and service to our state,

Best regards,
Faye Seidler

Committee members,

I am writing in opposition of bill SB2231 for recognition of gender identity in the schools. School aged people require security, stability, and external support for guidance to development of skills required to be a functional member of society. How school aged people play, interact with peers, and are supported in social environments directly influences their skill development. When these social environments are unsupportive, that sense of dismissal can be palpable. As humans, regardless of age, we will seek to find connection in ways we feel validated. In the school systems, there are many opportunities to foster healthy external validation to guide young people to learn internal validation.

As school aged people develop their identity interacting in social environments, there's opportunity for their elders to role model ways to honor people of all walks of life. These role modeled behaviors include being kind, considerate, and compassionate. These are skills required for effective interpersonal relationships that influence people's abilities to work on teams, and be a productive citizen as they age. Recognition of one's gender identity and honoring their gender identity, promotes inclusivity through role modeling the skills mentioned above. We have an opportunity to role model to future generations, through leadership, how to be productive citizens.

By choosing to honor gender identity for people of all ages, and allowing leaders in the school to honor people of all identities, we can create social environments to guide young people. Thank you for your time and consideration of honoring people of all gender identities.

Olivia Data
Testimony on SB 2231
January 24, 2023

RE: Testimony in Opposition to SB 2231.

Greetings, Chairman Weisz and members of the committee. My name is Olivia Data, I am the Youth Action Council Coordinator for the North Dakota Women's Network, and I urge you to vote "Do Not Pass" on SB 2231.

The Youth Action Council is an organization that believes in empowering younger generations to participate in their communities and contribute to a brighter future. In order for this to happen, we believe that the youth of North Dakota must have access to education and to a community that supports and respects them. SB 2231 would deny such access for many children.

Although this bill defines preferred pronouns as "a pronoun that does not conform to the individual's assigned sex at birth," the truth is that we all have preferred pronouns. I personally am a cisgender woman – I was assigned female at birth, and I identify as a woman. My preferred pronouns are "she/her," which just so happen to conform to my assigned sex. All of you have pronouns as well, whether or not they are the same as your assigned sex at birth. Learning about and using pronouns is a basic and fundamental part of grammar, and it always has been. There is clearly no logical cause to target using pronouns in general, so the only possible explanation for prohibiting teachers from adopting "a practice regarding expressed gender" or limiting protections for people who use pronouns that differ from those attached to their sex at birth is prejudice and ignorance.

Even in the context of free speech, this bill does not make sense. If you support free speech, then you should support a government entity's ability to respect employee's pronouns in work-related settings. You should support the rights of teachers to teach and communicate with students in their classroom.

Especially in the classroom, SB 2231 poses a serious threat to children. No matter one's personal beliefs on gender identity, the facts do not lie. According to the National Library of Medicine, 82% of transgender people have contemplated killing themselves, and 40% of transgender people have actually attempted suicide¹. Among LGBTQ+ youth, those whose preferred pronouns are not respected by the adults in their life are almost twice as likely to attempt suicide as those whose preferred pronouns are respected². By prohibiting schools and teachers from respecting transgender and nonbinary students, this bill would deny students who do not conform

¹ "Suicidality Among Transgender Youth: Elucidating the Role of Interpersonal Risk Factors." *PubMed*, <https://pubmed.ncbi.nlm.nih.gov/32345113/>. Accessed 23 January 2023.

² "Pronouns Usage Among LGBTQ Youth." *The Trevor Project*, 29 July 2020, <https://www.thetrevorproject.org/research-briefs/pronouns-usage-among-lgbtq-youth/>. Accessed 23 January 2023.

Olivia Data
Testimony on SB 2231
January 24, 2023

to a gender binary the opportunity to learn and live in a community that respects them. This will be detrimental to many children's mental health and happiness.

If we want any hope of a future where people remain compassionate, healthy, and able to pursue happiness, this bill must not pass. Transgender and cisgender people alike deserve to live in a community that supports and respects them.

I urge you to vote "Do Not Pass" on SB 2231. Thank you for your time, and I am happy to answer any questions you may have for me regarding my testimony.

Olivia Data
Youth Action Council Coordinator
District 35
Bismarck, North Dakota

DO NOT PASS bill SB 2231: Granting a person an accommodation for their perceived identity is done EVERY DAY, EVERYWHERE, IN EVERY FORUM. "Do you prefer to be addressed as Ms., Miss, or Mrs.?" You think that question has nothing to do with gender identity? And would you tell me I'm unreasonable for asking to be called Ms. Dillin, rather than Mrs.? Why would you! "Is Robert here?" "Robert is my dad, I go by Bobby." ROBERT isn't his identity. BOBBY is. Should teachers and employees refuse address a boy or a man named Daniel as Danny, at his request, because it's too "feminine" too? WHO WOULD FIGHT WITH THIS? Why do people need CODIFIED LEGAL PROTECTION FROM BEING REQUIRED TO ENGAGE IN COMMON COURTESY? What Section 2 engages in, particularly in 14-02.4-03.1 is the codification and legalization of the expression of Bigotry and Discrimination, granting SPECIAL protections to people who HATEFULLY deny a person's self-identification--there is literally no other reason for this section of the bill to exist. These are people who want to go out of their way to be RUDE (at best) to individuals they might come into contact with in the routine order of their workday. How is that in keeping with North Dakota's values? Why is that something the state wants to legally protect???

In addition, I don't know how in the WORLD this section is enforceable. How do these employees know with certainty that the person they're refusing to address by he/him pronouns is NOT, in fact, a man? Or someone assigned male at birth? Are we going to demand the people misgendered submit to genital inspections so that the RIGHT OF THE EMPLOYEE to refer to them wrongly is substantiated? And what will stop people from using this statute to bully and harass women who don't look "feminine enough" to meet their subjective standards for what a woman should be? Do you have a plan for that? Because I PROMISE YOU, it's going to happen--and now you're stripping people of their right to bodily privacy to support bigotry, harassment, and bullying between adults at work, too. How many sexual harassment lawsuits does the state want to field because of this legislation? The number will only keep growing while the state continues to reinforce and protect bullies and monsters who think it is their God Given Right to judge the gender performance and public appearance of others.

Back to the kids and school policy in 15.1-06-21: What about girls named Samantha who go by Sam? Or those little boys going by Danny and Bobby? Is that an accommodation that conflicts with their "biological sex" and assumed gender identity? My first name is Amalia. Do you know how long it took me to even learn how to spell it, because I NEVER used it, EVER, until I went off to college? I had a family nickname, and that was what everyone called me, at my request--in school and otherwise. Amalia wasn't my identity. It didn't MATTER what my birth certificate said. I chose to make it my identity, later, for purely mercenary reasons, too--because there are so few Amalias in the United States, it made me feel unique, it set me apart. It could be a conversation starter! Does that make my identity now or then less valid? Of course not. I grew and changed and made the choice for myself of who I wanted to be and how I wanted to be addressed and no one thought anything of it at any point along the way.

Further, in middle school, as time went on I was known by ANY NUMBER of different names--because THAT'S WHAT SOCIAL GROUPS DO. Changing how we address one another can indicate familiarity, friendship, and acceptance by a group! I would never have brought these names home for use with my family because I already HAD an alternative family name I was comfortable with! But those nicknames in school--they let me know I was LOVED by my friends!!! That to them, I was SPECIAL. NO ONE at ANY POINT needed to bring my parents into the conversation, when many of these names didn't indicate or support my assigned or perceived gender. Why should we be involving them in how their children choose to be addressed by their peers and their teachers now? The only reason would be to punish them, to ostracize them, to push them out and prevent them from engaging with their peers as their most authentic selves, and ensure that the state itself (through this mandate) participates in the bullying of kids who are MOST AT RISK OF SUICIDE AND MOST AT NEED OF SUPPORT AND ACCEPTANCE AS THE PEOPLE THEY KNOW THEMSELVES TO BE.

Okay, so none of those examples are pronouns. But can you see, by extension, how absolutely outrageous it is that we're trying to LEGISLATE this? What kind of nonsensical grammar policing is this???

Historically speaking, the singular they (just like the singular you) is as old as the English language. It's only relatively recently that people have taken exception to its use. Forms of address come in and out of fashion, culturally and socially it's totally normal for shifts to happen over the course of any period of time. You are literally trying to fight against the NATURE OF LANGUAGE in this bill--you are the Roman Emperor Caligula, waging war against the sea. Who cares

how a person prefers to be referred to? These pronouns are just words that more specifically encompasses their identity as an individual! Just like Ms. or Bobby or Danny or Sam or people who go by Jack but are legally named John choose the form of address that most suits THEIR identity, too. THAT'S ALL ANY PRONOUN IS--a means by which to differentiate one person from another, indirectly, more precisely in regard to who they have indicated they are. And it is not my business to tell someone who they are or are not. It isn't yours, either. And it CERTAINLY is not the states right to decide for them.

I can only assume the problem the state wants to solve is that these kids might ask to be referred to by a pronoun or name in school that their parents don't know about--that maybe they're wrestling with their identity and afraid of how their family will respond. Isn't it safer for these kids to be able to engage in that exploration with the support of their peers, socially, openly, than to do it in total isolation, thinking themselves entirely alone, with no one they can trust, afraid that if they reveal themselves, they'll be made homeless by parents who don't understand? At best. When suicide rates for trans kids and LGBTQIA+ folks on the whole are so high, why would we want to drive them deeper into isolation with legislation like this? Make schools so inhospitable that they have nowhere they're allowed to exist as the people they know they are? If the state decides they aren't allowed to exist in school, and they aren't allowed to exist at home--where does that leave them? Is the state's preference, is our legislator's preference that these kids not live at all? Because if so, there's a word for that that none of us will like: it's called genocide. That's what bills like this seem to be leading us toward.

This isn't a big leap. It's right there in the bill. NO ACCOMODATIONS ARE ALLOWED TO BE MADE FOR ANY CHILD WITHOUT THE APPROVAL OF A PARENT OR GUARDIAN. And if they don't have the support of their parent or guardian, what? They just have to CEASE to be themselves entirely? Do you not understand where that leads??? You are creating, by law, a funnel for these kids that PUSHES them toward suicidal ideation, because they will have NO SAFE PLACE in which they are allowed to exist.

Don't you find that a little concerning? If you're the kid in this scenario, what are your options? How do you navigate a world that PASSED LAWS to ensure that you were denied ALL RIGHTS to be you? Even such a small thing as being referred to as they or her or ze at school, to use a bathroom where you wouldn't be bullied or beat up or harassed and attacked, or allow a club where you can engage with peers facing the same struggles. Would you do this to a kid whose nickname didn't match their perceived gender? And if you wouldn't, why would you do ALL OF THIS?

SB 2231 will kill people, and if it were my child who died as a result of this kind of a law, I'd make DARN SURE that the state was sued for its part in it. JUST LET PEOPLE LIVE THEIR LIVES, and stop being such CHILDREN about it! STOP TRYING TO POLICE PEOPLE BASED ON THEIR GENDER. IT IS NOT YOUR BUSINESS WHAT IS IN THEIR PANTS. JUST TAKE THEM AT THEIR WORD, ADDRESS THEM AS THEY ASK TO BE ADDRESSED, AND MOVE ON WITH YOUR DAY.

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass recommendation.

LGBTQ Youth are more than 4 times as likely to attempt suicide than their peers (Johns et al., 2019; Johns et al., 2020). This isn't a result of the label. It's a direct outcome of being marginalized and discriminated against, which is this bill's clear and explicit intent.

This bill, and others that seek to further limit the LGBTQ+ community directly contribute to the increased risk of suicide.

Now, addressing specifically the conservative supermajority backing these bills...

If you hold dear your Christian beliefs, if you profess to be pro-life, if there's scripture on your bedside table, if the all-loving Christ is your ultimate role model... then please sincerely question what you're doing here supporting this legislation... legislation that will increase risk of suicide in Jesus' most beloved population: kids.

More kids will attempt to kill themselves as a direct result of your "Yes" votes. Please, please, please pause here and sit with that fact.

Kids you seek to protect at all costs when they're in the womb matter this little to you now that they've come into full waking consciousness and discovered who God made them to be? Really?

IF there is an actual problem here to be solved, grow up and have a modicum of creativity in solving it. The amount of thought that went into this bill is embarrassing. Kids will get hurt. Kids will be lost. And you will be to blame.

Sincerely,

Benjamin M. Hanson

I was born in North Dakota in the 80's, and for the majority of my life, I have been proud to be from this state. However, the introduction of bills like this that completely erase the identity of individuals, in particular our youth, make me ashamed to be from this state. My partner and I are in the process of moving out of this state, in large part due to narrow minded, hate filled views such as this bill supports. We no longer feel that this state is safe for us or our children. Our oldest uses preferred pronouns, and, as a parent, how do you tell your child that their school can discriminate against them in this manner and that the law supports this kind of discrimination? How can I tell them that if they go to their teachers or police for help, that they can't do anything about it because the law says that it's ok to not treat people like humans? This state is no longer worthy of my property tax or income tax, as I'm keeping my job at well known locally owned Fargo company and working remotely from another state.

My name is Jessica Rose. I am a parent of a North Dakota school-aged child, and I stand in strong opposition to SB 2231. This past year, my beautiful and amazing child told us that they wanted to change their pronouns and gender. After that admission to her family and friends, a weight seemed to lift off of their shoulders for the first time in a long time. Aside from the pronoun change, the only thing different about this incredible kiddo is they are now a target for the fear and hatred of adults. Adults who are using their time and energy trying to erase who my child is deep in their heart. Are they less of a human because of a gender change? Are they somehow less of a citizen of North Dakota because of this as well?

So far this school year, our 9-year old has been subjected to physical violence at the hands of their (former) classroom teacher, an adult who laughed directly into their face and denounced their preferred pronouns. This teacher, along with many others in the school district, have continued to mis-gender our child, along with a number of other microaggressions that no child should have to deal with. Since the beginning of this school year, our child's feelings of worth and safety at school have dropped significantly. Suicidal ideation and negative self-talk suddenly became part of the discussion – not because they struggle with who they are as a person, but because others struggle with who they are as a person.

My beautiful and amazing child is worthy of respect and safety and the right to live as they choose just like every other cisgender person in North Dakota. That being said, I am a resident of Minnesota and am fully prepared to remove my child from North Dakota schools. There is no reason to support a system that others my child and other children like them.

I implore you to kill this bill immediately. Thank you for your time.

Members of the Senate Judiciary Committee,

My name is Arielle Neumann a resident of Grand Forks Air Force Base Grand Forks District 42 and I request that you vote DO PASS on Senate Bill 2231.

Under the First Amendment of the Constitution of the United States, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

This bill safeguards protections for free speech and free exercise of religion. If a person has a religious or moral belief that prevents them from using a preferred pronoun it is religious discrimination to force them to do so. This is because, if an individual is being asked to speak against their religious beliefs, under threat of discrimination charges, they are being prevented from freely exercising their religion. This would also provide protections for people who identify as having no religion but have a sincerely held belief to not use a preferred pronoun. Laws must be fair, equal, and protect everyone’s right to free speech, whether we agree with them or not. It is an individual’s right to use or to not use a preferred pronoun when referring to another person, and it should not be considered a discriminatory practice otherwise. Please vote DO PASS on Senate Bill 2231 as this protects free speech and free exercise of religion.

Sincerely,

Arielle Neumann.

Hello. My name is Adam Miller and I am here to offer testimony in opposition to SB 2231.

First, I would like to thank so many members of the house and senate that have expressed their concern for the well being of children in the state. This bill, and many more like it, do not do that. I feel the senators and representatives' efforts could be better directed elsewhere if they truly care about children.

If you truly care about children, feed them. According to the organization Feeding America, about 1 in 12 kids in North Dakota, 14,490 children have food insecurity.

If you truly care about children, house them. According to the National Center for Homeless Education 1,775 children deal with homelessness in North Dakota.

If you truly care about children, take better care of their teachers so that their education can be second to none. According to National Education Associates average teacher pay in North Dakota ranks 33rd in the nation. At the higher education level it drops to 40th.

These are things that would actually improve the lives of children in North Dakota and they have nothing to do with pronouns or a culture war. These are things that actually matter and may help to stem the flow of young people out of the state and have nothing to do with if you have a moment of discomfort if a person asks you to refer to themselves as "she" when you thought "he". The children you help with working on these things will remember that North Dakota had their back when they were in need. That is what will pay dividends to the state.

I'm asking you to fix problems in the state that actually need fixing. Please vote no on Senate Bill 2231.

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass. I really hope you're starting to see a pattern of hate, discrimination, and lack of understanding the authors of these bills are trying to push with each one. Bill after bill doing the same thing but in different words hoping that one will stick so they can enforce their religious views on the entire population of the state. They often refer to their religion when expressing why these bills need to exist. We could argue the specifics of our nation's separation of church and state till we are all blue in the face but You cannot suppress others religion which is what this bill seeks to do. The authors of these hate fueled bills would rather the LGBTQ community kill itself so they don't have to see it, going so far as to try and re-establish the discredited conversion therapy that has claimed many lives. They also want to say a public school cannot teach historical and scientific facts if it happens to conflict with their religion, Public schools are not religious institutions, One's religion should not be forcefully thrust upon another parents' kids, I think we can all agree to that. That's why public schools need to teach what is current, provable, and factual. Leave the religion at church and home. Why am I talking about religion on a bill that forces trans kids to live a lie, threatens their safety and seeks to harm them? Because that is what the authors of this bill will inevitably bring up when discussing this. This bill does real long term harm to children. If this bill passes we will see a rise in suicides and that is not guess. And I will blame each and every one of those suicides on those who wrote it and voted it in DESPITE it not being what aligns with MOST of our states residence. ALSO the bill says "A school cannot Adopt a policy or practice regarding expressed gender" Well an unintended consequence of that is now schools cant have a casual dress code and girls have to wear skirts, I mean pants where expressly cross dressing for women up until the 20th century and these bills are seemingly being written as if we still live in the 1800s. As a society we are always growing and learning so please vote DO NOT PASS on this bill, do not send us back in time with this grossly bigoted Bill.

-Nate Brown

CONCERNED
WOMEN *for* **AMERICA**
 LEGISLATIVE ACTION COMMITTEE

January 25, 2023
 Senate Judiciary Committee
 Testimony in Support of SB 2231

Chairwoman Diane Larson and members of the Senate Judiciary Committee, I am Linda Thorson, State Director for Concerned Women for America (CWA) of North Dakota. Today, I am testifying for Concerned Women for America Legislative Action Committee in support of SB 2231.

As the largest public policy women’s organization in the nation and our state, CWA of North Dakota strongly supports SB 2231 as it protects the [First](#) and [Fourteenth Amendment](#) rights of an employee defined in the bill as “a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.”

I want to submit two amendments to SB 2231 in the definitions section, 14.02.4.02. I recommend changing the meaning of “Preferred pronoun” from “a pronoun that does not conform to the individual’s *assigned sex at birth*” to “a pronoun that does not conform to the individual’s reproductive biology and genetics at birth.” And Section 3, part b. “Sex” change the words “*existing at the time of birth*” to “reproductive biology and genetics at birth.”

As a former educator for 26 years and a recipient of the North Dakota Council for Exceptional Children State Teacher of the Year award in 2016, I strongly support Section 15.1-06-21 of the bill, entitled School policy – Expressed gender.

“A school district board, a public school or a teacher in a public school should not adopt a policy or practice regarding expressed gender” from line 12 on page 3 for two reasons.

- Forcing teachers to use “preferred pronouns” infringes on a teacher’s right to free speech and the free exercise of religion. Policies that require a student to be referred to by gender, non-binary, or plural pronouns, or other gendered languages that are different from the student’s biological sex violate the religious belief that God assigns sex at conception and is a conflict for those unwilling to compromise their beliefs.
- Teaching children about “preferred pronouns” steals valuable classroom instructional time and creates an undo burden on the instructor.

Fostering a [positive classroom environment](#) that is conducive to learning increases academic achievement and engagement for the student and is best achieved when the teacher isn't encumbered with "Expressed Gender policies." More about the issue of "gender identity" ideology and education can be found at [Campus Insanity](#) by Penny Young Nance, CEO and President of Concerned Women for America and [Gender Identity and Back to School Indoctrination](#) by Doreen Denny, CWA's Senior Policy Advisor.

Please vote "do pass" on SB 2231.

Members of the Senate Judiciary Committee,

My name is Amber Vibeto and I reside in District 3. I urge a 'do pass' recommendation for SB 2231 for the following reasons.

- The transgender movement has infiltrated every area of society and in every institution, including schools. There is no logical argument or medical evidence to support gender ideology, and as such, activists have had to resort to authoritarian means and bully tactics like compelled speech to inject their religion into policy. Two examples:
 - A section in the revised Fairfax County Public Schools “Student Rights and Responsibilities” draft handbook would punish students with [suspension](#) for “misgendering” a classmate.
 - In Wisconsin, a school district reportedly filed a Title IX [complaint](#) against three middle school boys, accusing them of “sexual harassment” for using the wrong pronouns.
- The Supreme Court has [recognized](#) that the government may not compel a speaker to affirm a belief with which the speaker disagrees. The state of North Dakota should clearly assert this foundational principle of free speech in order to protect government employees from being compelled to violate their religious beliefs or opinions.

Thank you for your consideration.

[Compelled Speech is Hitting Close to Home](#)



SB 2231

January 25th, 2023

Christopher Scott, North Dakota Student Association

701-340-3380 | Christopher.m.scott@ndus.edu

Chair Larson and Members of the Committee: My name is Christopher Scott, I am current President of the North Dakota Student Association, and I am testifying in opposition of HB 1240, which if passed, will not require a government entity to require an employee to use a individual's preferred pronoun when addressing or mentioning that individual

The North Dakota Student Association is a student organization established in 1969 dedicated to ensuring that students have a voice at the table in policy that affects Higher Education. We consist of delegates from each of the 11 public institutions meeting monthly to engage students in ND Higher Education policy! Our mission is to empower students, create collaboration between the student bodies of the North Dakota public universities, and to give a student perspective on higher education policy!

Over the past several years, the NDSA has taken several stances protecting the rights of LGBTQ students, with the most recent resolutions passed being [NDSA-09-2223](#), which establishes our organization's priorities for this legislative session and [NDSA-14-2223](#), which is a resolution in support of transgender student rights.

What this bill specifically does is go against transgender student rights and makes it so that governmental employees cannot require employees to call a transgender student by their preferred pronouns. This is a personal attack against them and the use of their pronouns is of a matter of showing respect them, much like how we as students address our teachers in high school with Mr. and Mrs. and our professors with Dr. If you were to not call them Dr., Mr. etc, they would feel disrespected. The same applies to transgender students when someone does not

use their preferred pronouns, and while this bill mentions that the violation of this section is a discriminatory practice, its actually the opposite. Not using their preferred pronouns is a discriminatory towards them.

This bill also tries to solve a problem that is not there, but instead, it creates one. In my college career as a student, the topic of requiring a staff or faculty to use a student's preferred pronoun has not been a issue that I've personally seen. Usually, when requested, that staff or faculty member is respectful to transgender students, and use their preferred pronouns when asked to do so.

I hope that you will take your position seriously and make data-driven decisions around the several bills which are clearly **driven by transphobia and ignorance**. I know you are very busy and want to share with you the definitive data on the impact that these bills may have on the health, safety, and support of trans children in our community. I ask you to consider – who do these bills benefit? What evidence do we have that these bills are necessary? There is no data to support the need for these bills and most of the arguments presented are grounded in personal anecdotes and not science or truth.

I am a professor and scholar in health equity and health services research. I have been a resident of North Dakota for decades and grew up in East Grand Forks enjoying the recreation and opportunities available in North Dakota, only two miles from my home. I serve on several boards, foundations, and working groups in the state serving our community, and doing my best to use the privilege I have been awarded to advocate for those who are not being heard.

Currently, in North Dakota, our children are not being heard, and more concerning, it is the children who are at the greatest risk of abuse, neglect, and suicide. These are our transgender youth. Children who are not accepted in their communities, classrooms, or by a majority of those in leadership positions like yourself (though not necessarily you specifically, those proposing these bills). I have two children ages 9 and 11 in public school in ND – a biological male and bio female. Neither are transgender, and neither are threatened by the idea of supporting their peers who may be.

You must vote no on SB 2231

Data to support your vote of NO:

- “Data indicate that 82% of transgender individuals have considered killing themselves and 40% have attempted suicide, with suicidality highest among transgender youth.”¹
- “Logistic regressions indicated that models for both lifetime suicide attempts and suicidality were significant. Interpersonal microaggressions, made a unique, statistically significant contribution to lifetime suicide attempts and emotional neglect by family approached significance. School belonging, emotional neglect by family, and internalized self-stigma made a unique, statistically significant contribution to past 6-month suicidality.”¹

WHAT THIS MEANS: Passing bills like SB 2231 directly target children IN THEIR SCHOOLS and in their HOMES and PERSONAL RELATIONSHIPS will have an impact on the mental health a suicidality of trans youth.

Using a student’s preferred pro noun is no different than using their preferred name or nickname. It validates their identity, harms no one, but provides immeasurable support and protection for the student. I implore you to listen to the testimony and recognize that those in favor of the dozen transphobic bills proposed this session have not presented data nor factual science, nor are their sources law reviews, peer reviewed medical journals, nor direct evidence of the need for these bills for North Dakota. Conversely, those opposed HAVE presented data and previous interpretations of law. They are lawyers, health professionals, mental health professionals, superintendents, and persons with lived experience. I also remind you about the separation of church and state as many in favor of these bills have based them on a foundation of religion, which is not constitutional.

If you have additional questions or would like date as you make your decisions, please do not hesitate to connect with me.

Shawnda Schroeder, PhD, MA

218-779-8222

ShawndaMarie.schroeder@gmail.com



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting Senate Bill 2231

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 25, 2023

Good afternoon Madam Chair Larson and honorable members of the Senate Judiciary Committee. My name is Jacob Thomsen and I am a Policy Analyst for North Dakota Family Alliance Legislative Action. I am testifying today on behalf of our organization in support of Senate Bill 2231 and respectfully request that you render a “DO PASS” on this bill.

This bill does not prohibit the use of preferred pronouns. However, what it does, is protect against being forced to use preferred pronouns in accordance with Americans’ First Amendment Right to free speech.

Not using someone’s preferred pronoun can simply be a matter of confusion or unawareness. People often do not know what is going on with someone at a personal level, unless they know them closely. It cannot be expected that a person know and use someone’s pronouns perfectly if it does not align with common societal gender constructs. This can be a simple mistake, and no one should be punished for this.

The second part of this bill requires that a parent be notified if a child is expressing gender dysphoria. Parents are the primary stakeholders in a child’s wellbeing. They should always know what is going on in their child’s life so that they may seek the best possible solutions, or parent them in a proper way with regard to their child’s situation.

It is a parent’s responsibility to be involved in their children’s lives. Without this bill, hinderances to this are already occurring in North Dakota. Grand Forks Public Schools administrative regulation, in 2021, issued procedures stating that “school staff shall not disclose any information that may reveal a student’s transgender status to others, including parents or guardians – unless legally required to do so or the student has authorized such disclosure.”¹

¹ <https://drive.google.com/file/d/1ewmtwcpuhuQWPe53v8HEgMMfCe8WGmIJ/view>

This bill enacts the legal requirement to notify parents on the status of their children in school. It also protects freedom of speech in a workplace. For these reasons, North Dakota Family Alliance Legislative action requests that you render a "DO PASS" on this bill.

Thank you for the opportunity to testify and I will stand for any questions.

I implore the State to vote no on SB 2231. As the parent of a child in ND Public Schools, I need to know that my child is safe from discrimination based on gender and gender identity. It should not be the burden of a child to prove their gender to anyone. A bill such as this one would fuel the hate and bullying that is already taking place in our schools against children who don't "fit in". It is well-established that respecting a child's gender identity and using the correct pronouns reduces suicidality. We literally save lives by simply using the words provided to us by children and parents. It's that simple. By pushing through a bill like this just because of your political party will surely cost North Dakota the lives of our children. This is not a matter of urban myths (like the litter box nonsense), but actual children who are in our schools right now. Our. Kids.

Furthermore, passing a bill like this will starve our state of income and tax revenue from tourism. When news of such a bill makes it to national news (which it already has), companies will refuse to do business here and people will choose to visit other, more friendly states. We have seen this happen repeatedly. States like Florida can no longer host large conferences from industries who have decided not to partner with such a hateful state. The international Goldschmidt conference, for example (which brings in around 5,000 people to its host-cities), no longer hosts their conferences in states with anti-LGBTQ legislation. We certainly don't want to join that club, do we?

With Respect,

Michelle L. Abshire, Valley City

Chairman Diane Larson
Senate Judiciary Committee
Regarding SB 2231
January 25, 2023

Dear Chairman and Members of the Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass.

First, this bill violates anti-discrimination laws such as in *Bostock v. Clayton County*, when the Supreme Court held that Title VII of the Civil Rights Act of 1964 prohibits on discrimination “because of . . . sex” covers discrimination on the basis of gender identity and sexual orientation.¹ The U.S. Department of Education also has confirmed Title IX of the Education Amendments of 1972 protects students from discrimination based on sexual orientation and gender identity.²

Secondly, the bill will cause harm to LGBTQIA+ individuals. Asking and correctly using someone’s pronouns is one of the most basic ways to show your respect for their gender identity. It also helps to create a more welcoming space and an inclusive environment. All major professional American psychological and psychiatric associations recognize that inclusive language usage for LGBTQIA+ youth and adults drastically decreases experiences of depression, social anxiety, suicidal ideation, and other negative mental health factors. Specifically, a Trevor Project Mental Health Survey found that transgender and nonbinary youth attempt suicide less when their pronouns are respected.³ Words are powerful! Basically, while it seems like a minor thing, using someone’s correct pronouns can be lifesaving.

All North Dakotas should be treated with respect and dignity. Therefore, I urge you to give a “Do Not Pass” recommendation for this bill. I thank you for your time, consideration, and service to our state.

Sincerely,



Corinne Edgerton

¹ “Supreme Court Holds That Sexual Orientation and Gender Identity Are Protected by Title VII,” The National Law Review (Labor and Employment), accessed January 25, 2023, <https://www.natlawreview.com/article/supreme-court-holds-sexual-orientation-and-gender-identity-are-protected-title-vii>.

² “U.S. Department of Education Confirms Title IX Protects Students from Discrimination Based on Sexual Orientation and Gender Identity,” U.S. Department of Education Confirms Title IX Protects Students from Discrimination Based on Sexual Orientation and Gender Identity | U.S. Department of Education, June 16, 2021, <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>.

³ “The Trevor Project National Survey,” The Trevor Project, accessed January 25, 2023, <https://www.thetrevorproject.org/survey-2021/>.

01/25/2023

HB 2231

Testimony in Opposition

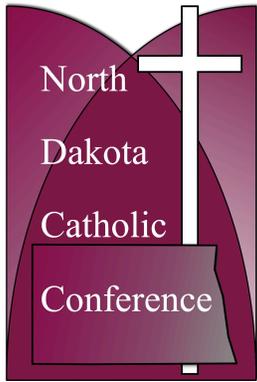
Chairperson and Members of the Committee:

My name is Naomi Tabassum, and I am a resident in Fargo, ND. I have two minor children who attend (or will be attending) public school in Fargo. I oppose HB 2231 as it discriminates against students, teachers, and other employees of the school district from using and adopting inclusive policies regarding gender identity, expression, and use of pronouns. This bill is unnecessary and does not benefit anyone. Using preferred pronouns does not in any way harm or create an issue for cisgender people. We can respect the differences of others without outlawing or attacking people we don't understand or relate to. This also is a violation of free speech.

I urge you to render a DO NOT PASS on HB 2231.

Thank you for your time and service to the state,

Naomi Tabassum



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

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To: Senate Judiciary Committee
From: Christopher Dodson, Executive Director
Subject: Senate Bill 2231 - Public Employees and Public Schools
Pronoun Policies
Date: January 24, 2023

The North Dakota Catholic Conference supports Senate Bill 2231 to protect the rights of public employees and public school parents, and to set limits on when and how a public school can adopt policies regarding expressed gender.

The first part of the bill prohibits a government entity from:

- Mandating that a public employee use an individual's preferred pronoun when addressing or mentioning the individual in work-related communications;
- Requiring that a public employee designate the employee's preferred pronoun in work-related communications.

The bill does not prohibit an employee from using someone's preferred pronoun. It does not prevent an employee from designating their preferred pronoun in work communications. It does not prevent any government entity from complying with federal law or from making the best language choices when providing health care or similar services. It only prohibits the government employer from mandating those actions, unless it is otherwise required by law.

The second part of the bill states that, unless it is otherwise required by law, a board of a school district, a public school, or a teacher in a public school may not:

- Adopt a policy or practice regarding expressed gender;
- Provide or authorize classroom instruction recognizing expressed gender; or
- Provide or require professional development recognizing expressed gender.

If such a policy concerning a specific student's expressed gender or pronoun is required by law, SB 2231 requires that the policy be made in consultation with and with the approval of the parents. In 2001, a school district in North Dakota adopted a policy that prohibited school employees from revealing a student's "transgender status" and preferred pronoun to the student's own parents. The policy has since been changed, but this infringement upon parental rights should not have happened. Senate Bill 2231 ensures that it will not happen again.

Finally, SB 2231 reiterates that, unless otherwise required by law, public schools cannot require teachers to use a student's preferred pronoun.

Over the last two years, my office has heard from public employees and the pastors of public employees about how such policies conflict with sincere religious beliefs or strong non-religious convictions about gender and grammar. Some public employees were forced to attend professional development sessions devoted solely to the promotion of adopting policies and practices accommodating expressed gender and preferred pronouns. Then I heard from legislators who heard the same concerns from their constituents.

This legislative body is considering many bills related to gender this session. Senate Bill 2231 addresses the basic issues — parental rights, public employee rights, and public school policies.

We ask for a "Do Pass" recommendation on Senate Bill 2231.

TRANSGENDER AND GENDER NONCONFORMING STUDENT PROCEDURE

This administrative rule serves as a guide on how to best support the needs of the district's transgender and gender nonconforming students and their families. This regulation does not anticipate every scenario and situation that may occur with respect to transgender and gender nonconforming students, and not all transgender and gender nonconforming students' needs may be the same. Therefore, administrators are encouraged to discuss these issues with each transgender and gender nonconforming student and their families on a case-by-case basis to determine how best to support the student within the parameters of this administrative regulation.

Student Transition Meeting

The principal or designee shall request a meeting with the transgender or gender nonconforming student and their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity.

The goals of the meeting are to:

1. Develop an understanding of the student's individual needs with respect to their gender expression or gender identity, including any accommodations that the student is requesting or that the District may provide according to district policy and procedure, and/or under state and federal law; and
2. Develop a shared understanding of the student's day-to-day routine within the school so as to foster a supportive relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require the student to attend a meeting as condition of providing them with the protection to which they are entitled under district policy and procedure, and/or state and federal laws regarding gender expression or gender identity.

Official Records

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District must change a student's official records to reflect a change in legal name upon receipt of documentation that the student's legal name has been changed pursuant to a court order or through amendment of state or federally-issued identification.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, i.e., rosters, student ID cards, or awards, the District must use the name and gender by which the student identifies.

In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff shall adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

Privacy/Confidentiality

The District shall ensure that all personally identifiable and medical information relating to a transgender and gender nonconforming student shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff, unless legally required to do so or the student has authorized such disclosure. In the rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make the disclosure

themselves, where practicable. This would include providing the student with any support services the student may need to make the disclosure in a safe and supportive environment.

Communication and Use of Names and Pronouns

The principal or designee shall privately ask the transgender or gender nonconforming student how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information shall be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information shall be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees shall focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity. When communicating with parents of transgender or gender nonconforming students, school employees shall refrain from the use of gender pronouns and refer to the student by name whenever practicable. The District shall not condone the intentional and persistent refusal to respect a student's gender identity, or inappropriate release of information regarding a student's transgender status.

Dress Code

The District shall allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress code adopted at the student's school of attendance and within the constraints of the district guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). The school dress code must be gender-neutral and shall not restrict a student's clothing choices on the basis of gender.

Restroom Accessibility

Students shall have access to a restroom that corresponds to their gender identity. A student shall not be required to use a restroom that is incongruent with the student's gender identity. Where available, a single use bathroom may be used by any student who desires increased privacy, regardless of the reasons. The use of a single use bathroom shall be a matter of choice for a student, and no student shall be compelled to use such a bathroom. Use of restrooms by transgender or gender nonconforming students shall be determined on a case-by-case basis depending on specific circumstances.

Locker Room Accessibility

Use of locker rooms by transgender or gender nonconforming students shall be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities, and ensuring the student's safety. In most cases, the district shall provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions include, but are not limited to:

1. Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby restroom); or
2. A separate changing schedule (i.e., utilizing the locker room before or after the other students).

Any alternative to locker room conditions shall be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, shall be required to use a locker room that conflicts with his or her gender identity.

Physical Education, Athletics and Activities

Students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics and activities in accordance with the student's gender identity. Participation in high school interscholastic athletics and sports is governed by the [North Dakota High School Activities Association](#), which has its own policy with respect to transgender student participation. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight trips, shall be addressed on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity and expression.

End of Grand Forks Public Schools Administrative Regulation FDI-AR.....Approved: 3/22/2021

ADMREG 06/2019

January 25th, 2023

From: Gabriela Balf, MD, MPH

Re: In Opposition to SB 2231

Madam Chair Larson and Committee Members,

My name is Gabriela Balf, I am a psychiatrist in Bismarck and a Clinical Associate Professor at UND, and I speak on my behalf.

This bill will have severe consequences that I urge you to consider.

As proven by studies in the world, our nation, and our state, not considering someone for whom they really are, especially in this forming environment that school is:

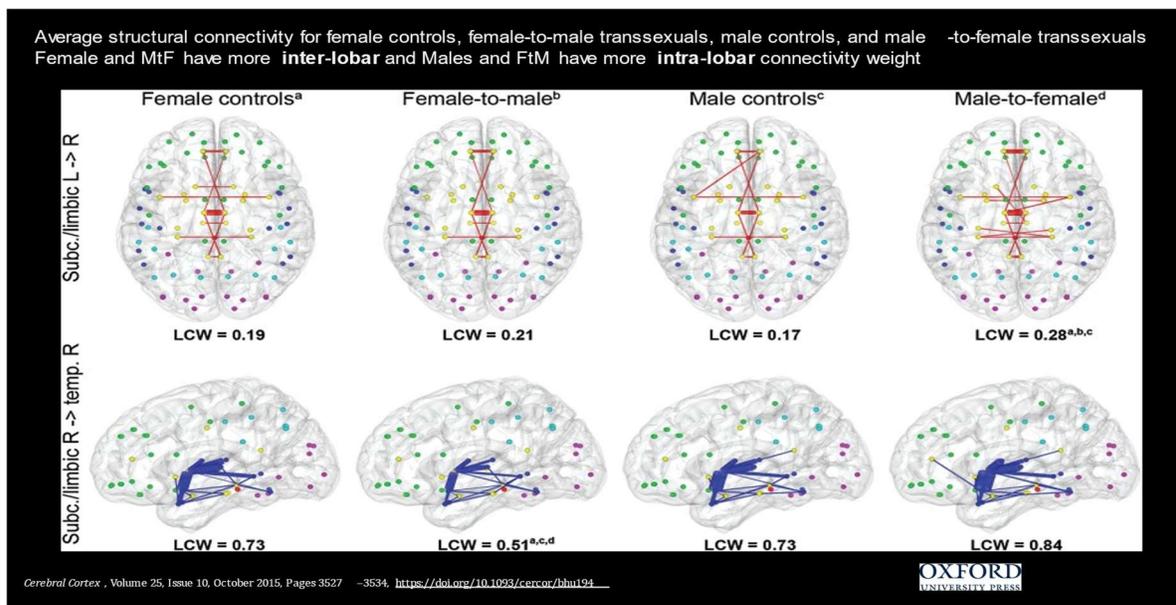
- Increases the distress they are already in
- Increases the social stigma, the harassment this minority already experiences.

Words are important.

The messages that we send when we use a different pronoun than what the person expressed are: “I don’t believe being transgender is real”, “Your reality does not matter to me” and, once the news disseminates, of what discrimination brings to the mental health of this minority, “I know that the words I use harm you and I don’t care”.

Let me present the medical facts that explain this impact of bill, and what we the medical community know that it will happen once this bill takes effect.

1. Transgender condition is not a “fad”, “trend” or a “lifestyle”, the same way hypertension, obesity or diabetes are not a trend, even though we see an increase in the US population. The transgender condition is a **real medical condition** – in many aspects akin to a congenital malformation– the medical term is Gender Incongruence*. The main problem is that the brain wiring does not match the person’s genitalia.



*The Manual of International Statistical Classification of Diseases and Related Health Problems (ICD-11) eliminates the term “transsexualism” and replaces it with the term “Gender Incongruence” (GI)⁹. This new terminology will no longer be part of the chapter on mental disorders (chapter 6) but a new chapter is created (chapter 17) called “conditions related to sexual health”.

How so? Since 2013, we have studies that show the differences between these wirings: the transgender person's brain matches their gender identity and not the sex assigned at birth¹. One of the key differences between male and female brains is connectivity: males have heavy intra-hemispheric connectivity, which explains the tendency to focus on task, increased capacity to "compartmentalize", whereas the female brain displays more inter-hemispheric connectivity, which explains the numerous associations that a discussion with a woman is more likely to present, as well as the increased emotional content – from the other hemisphere than the men usually use. condition: the brains of transgender people present as the brains of their gender identity, and not as the brains of their assigned gender at birth.

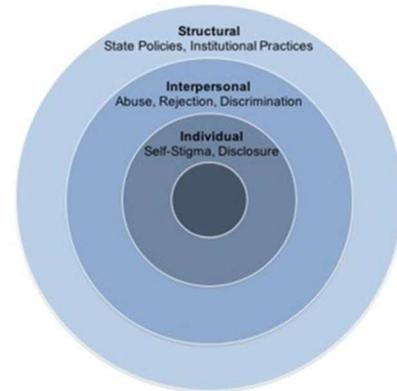
2. The mental distress that some, not all, transgender people experience as a result of Gender Incongruence condition (**not a mental illness**) + non-affirming conditions = Gender Dysphoria which is a disorder listed in the Diagnostic and Statistical Manual of Mental Disorders DSM 5 (on APA website at <https://dsm.psychiatryonline.org/>)
3. The treatment for Gender Dysphoria is to provide **gender-affirming care**, which **comprises social affirmation**, like using the children's preferred pronoun, medical-affirming care like puberty blockers and/or sex hormones, and if some people choose, many don't, gender-affirming surgery. This treatment is recommended in according to the [Standards of Care 8 of WPATH](#) – an international multidisciplinary team of clinicians, researchers and stakeholders who have most expertise and have conducted most and longest studies in the domain of transgender care. These Standards are followed by all major medical societies in US: the American Medical Association (AMA), [American Psychiatry Association](#) (APA), American Association of Child and Adolescent Psychiatrists (AACAP), American Academy of Pediatrics, Pediatric Endocrinology Society, Endocrinology Society, American College of Obstetricians and Gynecologists (ACOG), etc.
4. Children spend most of their waking time in **school**. Sometimes this is the only **safe** space they have, if they experience abuse at home (in 2020 for instance, in ND there were 1614 documented cases of child abuse and 5 fatalities). The **stats** are sobering: in LGBT Youth, discrimination doubles the risk for suicide². Suicidal ideation is 3 times that of their peers (up to 65%) and attempted suicide rate is 4 times that of their peers – [see attachment below](#). The rates of substance use disorders increase³, increasing the public health problem we already have. On the other hand, the presence of even one adult supportive presence reduces suicide attempts by 73%.
5. **Our own state's data:** - Our own youth data - North Dakota LGBTQ+ School Climate Report (2021) Faye Seidler.
 - Suicide: - 61.6% Seriously considered attempting suicide
 - 48.5% Made a plan to attempt suicide
 - 33.3% Attempted suicide
 - Mental Health: - 84.6% Do not turn to adult when feeling sad, empty, hopeless, angry, or anxious
 - 26.7% Have no idea who to talk to when experiencing distress
 - 51.7% Can identify one adult to talk to if they have a problem
 - 61.1 % Reported bad mental health for one week or more each month.
 - Bullying - 45.6% Experience electronic bullying
 - 59.6% Experience bullying on school property

- 8.7% Straight students bullied due to perception they were LGBTQ+ Sexual health- 21.3% Have had sexual thing done to them they did not want
 - 9.8% Texted, e-mailed, or posted electronically a revealing or sexual photo
 - 13.4% Have had sex

Again, transgender kids are not intrinsically “damaged in some way” The answer is clearly **NO**: once they get gender-affirming treatment, be that surgery or just hormones, their mental health becomes actually better than that of the general population^{4!!}

6. **The concept of Minority Stress**^{5,6} - The environment related stressors – will cause chronically high levels of adrenaline, coupled with internal stress – expectation of rejection. When coping is maladaptive (which is the normal case), society unsupportive and one internalizes the negative cognitions (stigma). The result is psychopathology, despite the fact that the individual’s condition is NOT pathological.

Stigma as a multi-level construct



Therefore: Why persist in increasing minority stress⁶ for a small number of our children? When we face so many urgent issues related to the mental health of children in our state, why don’t we spend your valuable time thinking about productive ways to address those, instead of wasting your days of selfless volunteering on **bills that are proven to harm and/or kill⁷ some of our people**, bills that will stain your legacy?

I urge you to be thoughtful when you vote for all the transgender bills that are coming your way, and listen to science. 21st century science.

On behalf of our patients, we thank the Senate Judiciary Committee for listening to our presentation of scientific evidence.

Gabriela Balf-Soran, MD, MPH

Assoc Clin Prof – UND School of Medicine – Behavioral Sciences and Psychiatry Dept

ND Psychiatric Society Past-President

World Professional Association Transgender Health member

Selected References:

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 6. Hatzenbuehler ML, Pachankis JE. Stigma and Minority Stress as Social Determinants of Health Among Lesbian, Gay, Bisexual, and Transgender Youth: Research Evidence and Clinical Implications. *Pediatr Clin North Am* 2016;63(6):985–97.
- Excerpts from the 2015 US Transgender Survey report (<http://www.ustranssurvey.org/reports>)

“Experiencing discrimination or mistreatment in education, employment, housing, health care, in places of public accommodations, or from law enforcement is associated with higher prevalence of suicide thoughts and attempts. For example, the prevalence of past-year suicide attempts by those who reported that they had been denied equal treatment in the past year because they are transgender was more than double that of those who had not experienced such treatment (13.4% compared to 6.3%).

Those who reported that their spouses, partners, or children rejected them because they are transgender reported higher prevalence of lifetime and past-year suicide attempts. Those who reported rejection by their family of origin, for example, reported twice the prevalence of past-year suicide attempts compared to those who had not experienced such rejection (10.5% compared to 5.1 %).

People who are not viewed by others as transgender and those who do not disclose to others that they are transgender reported lower prevalence of suicide thoughts and attempts. For instance, 6.3 percent of those who reported that others can never tell they are transgender attempted suicide in the past year compared to 12.2 percent of those who reported that others can always tell they are transgender.

The cumulative effect of minority stress is associated with higher prevalence of suicidality. For instance, 97.7 percent of those who had experienced four discriminatory or violence experiences in the past year (being fired or forced to resign from a job, eviction, experiencing homelessness, and physical attack) reported seriously thinking about suicide in the past year and 51.2 percent made a suicide attempt in the past year.”

- Comprehensive statistics and scientific literature present in SOC 8 at WPATH.org – the World Professional Association for Transgender Health
- National Center for Health Statistics: https://www.cdc.gov/nchs/data/series/sr_02/sr02_175.pdf

Dear Chair Larson and members of the Senate Judiciary Committee,

My testimony is in opposition to Senate Bill 2231. I ask that you give this a Do Not Pass.

I work in the FM area as a counselor and teacher, and I have worked with a variety of people that use a variety of pronouns. This bill's intention seems to police and marginalize transgender people, especially trans people who seek to be educated or who are educated. We are driving out qualified young people who want to live in North Dakota by writing bills like these, which has been expressed a variety of times.

Despite witnessing the heartache many young people have expressed by this year's bills, I care a lot about this bill because I am transgender person who is happy living with my two children. We used to live in North Dakota, and we loved it but as bills continued to be written like this, my family and I made the difficult decision to move to MN before my existence was made illegal. So many bills this year have tried to make made my everyday existed illegal. I am teacher who is also transgender, and if I was still working in North Dakota, I would lose my job that I earned by working hard getting good grades and attending a school dedicated to teaching teachers for six years ending with a master's degree. After a decade of working in the school my career would be struck down by 2 or 3 hours of work you're doing in this body. The only way I see a future for myself is by getting out of this state, which I still call home.

The bills that have been written by people with no input by transgender people have kicked out a person who would fly the North Dakota Flag every day from college until my move of this year. A person who would drive around Fargo during blizzards pulling vehicles that were stuck, a person who has help about three family move across the country to settle here in North Dakota, a person who knows firsthand about sandbagging flooding rivers and the need for drought relief for families out west within the same month. Someone who has organized marches against suicide and other violence. However, it's clear to me that I want to be here, and it's clear you don't want me to be just because my gender identity isn't a standard one.

As someone with a background in counseling and education, we've seen the rise the suicide rates rise when bills like this are put on amongst the trans community. We also see a rise of homicide toward transgender people. That being said I recently purposed a study amongst my peers and friends. I found that about 10% of non-transgender people that live within the state of North Dakota expressed anxiety and depression and the reason cited was the continuous targeting of their family, friends, spouses, teachers, and parents or also known as the transgender community.

Counselors have been over worked and underpaid while dealing with covid and now they have to deal with the fall out of this. I would rather spend my free time fishing or being with my family instead of over worked and underpaid dealing with impacts of North Dakota's legislation body on a group that of people that helped make up this great state. I am tired of sitting with amazing people watching them cry and fear their future because of bills like this. The trans community in North Dakota has done amazing things and we should be thanking them instead of trying to erase them.

Sincerely

Rebel Marie

January 25, 2023

Dear Chair Larson and Members of the Senate Judiciary Committee:

My name is Rev. Karen Van Fossan. I am an ordained minister and licensed professional counselor, serving as a pastoral counselor in the state of North Dakota. **I ask that you give SB 2231 a Do Not Pass recommendation.**

The last time I spoke with you, I shared reflections on my beautiful transgender grandchild – who became my family member after much of his extended family rejected him for being transgender and his mother for supporting his identity. I shared about Halloween costumes, spontaneous dances, and the joyful utterances (like “I love you, Grandma!”) that I now enjoy as a matter of course. I do indeed love my transgender grandchild from the deepest place in my soul. Still, my grandbaby is just one of the reasons I strongly oppose SB 2231.

As a pastor and as a counselor, I am honored to have accompanied a number of trans youth, as they have made life-giving transitions from a prescribed gender identity to an authentic gender identity. It has been my distinct privilege to witness their unfolding, their blossoming, as they see their own sacredness in the eyes of God – and also in the eyes of themselves.

In fact, according to a recent position statement, the American Counseling Association (ACA) says this about gender identity:

“Gender is the product of a complicated interaction of chromosomes, anatomy, hormones, and culture that begins before birth.”

The ACA goes on to say this about ethical counselor conduct:

“The stress brought on by stigma and the pressure to be gender-conforming with an individual’s assigned sex is known to cause minority stress and significantly affect health and wellbeing, even in the face of the resiliency and the strengths of transgender individuals. Counselors know and understand the critical importance of living consistently with one’s gender identity, which may or may not include physical or social gender transition.”

In other words, **the expectations of this bill are in direct conflict with best practices for counselors who serve trans children** – and, I would say, for any adults who serve any children. The more whole any child, any person, can be, the more whole the community becomes.

Much like accommodations – such as elevators and curb-less sidewalk crossings – for people with disabilities, accommodations that schools make for transgender youth ultimately benefit the larger school population. For instance, my other grandchildren, those who are not transgender, have deepened their own sense of self, as well as their own capacity for empathy, by virtue of accommodations our family has made for my transgender grandchild.

For all of these reasons, I urge you to vote Do Not Pass on SB 2231. Thank you for your time and consideration.

Sincerely,
Rev. Karen Van Fossan, M.Div., LPC

23.0590.02001

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2231

Introduced by

Senators Luick, Meyer

Representatives Cory, Karls

1 A BILL for an Act to create and enact sections 14-02.4-03.1 and 15.1-06-21 of the North Dakota
2 Century Code, relating to preferred pronoun discriminatory practices and school policies on
3 expressed gender; and to amend and reenact section 14-02.4-02 of the North Dakota Century
4 Code, relating to preferred pronoun and discriminatory practice definitions.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. AMENDMENT. Section 14-02.4-02 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~14-02.4-02. Definitions.~~

9 ~~In this chapter, unless the context or subject matter otherwise requires:~~

10 ~~1. "Age" insofar as it refers to any prohibited unfair employment or other practice means~~
11 ~~at least forty years of age.~~

12 ~~2. "Aggrieved person" includes any person who claims to have been injured by a~~
13 ~~discriminatory practice.~~

14 ~~3. "Court" means the district court in the judicial district in which the alleged~~
15 ~~discriminatory practice occurred.~~

16 ~~4. "Department" means the division of human rights within the department of labor and~~
17 ~~human rights.~~

18 ~~5. "Disability" means a physical or mental impairment that substantially limits one or~~
19 ~~more major life activities, a record of this impairment, or being regarded as having this~~
20 ~~impairment.~~

21 ~~6. "Discriminatory practice" means an:~~

22 ~~a. An act or attempted act which because of race, color, religion, sex, national~~
23 ~~origin, age, physical or mental disability, status with regard to marriage or public~~
24 ~~assistance, or participation in lawful activity off the employer's premises during~~

1 nonworking hours which is not in direct conflict with the essential
2 business-related interests of the employer results in the unequal treatment or
3 separation or segregation of any persons, or denies, prevents, limits, or
4 otherwise adversely affects, or if accomplished would deny, prevent, limit, or
5 otherwise adversely affect, the benefit of enjoyment by any person of
6 employment, labor union membership, public accommodations, public services,
7 or credit transactions. The term "discriminate" includes segregate or separate
8 and for purposes of discrimination based on sex, it includes sexual harassment.
9 Sexual harassment includes unwelcome sexual advances, requests for sexual
10 favors, sexually motivated physical conduct or other verbal or physical conduct or
11 communication of a sexual nature when:

12 ~~a. (1) Submission to that conduct or communication is made a term or condition,~~
13 ~~either explicitly or implicitly, of obtaining employment, public~~
14 ~~accommodations or public services, or education;~~

15 ~~b. (2) Submission to or rejection of that conduct or communication by an individual~~
16 ~~is used as a factor in decisions affecting that individual's employment, public~~
17 ~~accommodations or public services, education, or housing; or~~

18 ~~c. (3) That conduct or communication has the purpose or effect of substantially~~
19 ~~interfering with an individual's employment, public accommodations, public~~
20 ~~services, or educational environment; and in the case of employment, the~~
21 ~~employer is responsible for its acts and those of its supervisory employees if~~
22 ~~it knows or should know of the existence of the harassment and fails to take~~
23 ~~timely and appropriate action; or~~

24 ~~b. A violation of section 2 of this Act.~~

25 ~~7. "Employee" means a person who performs services for an employer, who employs~~
26 ~~one or more individuals, for compensation, whether in the form of wages, salaries,~~
27 ~~commission, or otherwise. "Employee" does not include a person elected to public~~
28 ~~office in the state or political subdivision by the qualified voters thereof, or a person~~
29 ~~chosen by the officer to be on the officer's political staff, or an appointee on the~~
30 ~~policy-making level or an immediate adviser with respect to the exercise of the~~
31 ~~constitutional or legal powers of the office. Provided, "employee" does include a~~

- 1 ~~person subject to the civil service or merit system or civil service laws of the state~~
2 ~~government, governmental agency, or a political subdivision.~~
- 3 ~~8. "Employer" means a person within the state who employs one or more employees for~~
4 ~~more than one quarter of the year and a person wherever situated who employs one~~
5 ~~or more employees whose services are to be partially or wholly performed in the state.~~
- 6 ~~9. "Employment agency" means a person regularly undertaking, with or without~~
7 ~~compensation, to procure employees for an employer or to procure for employees~~
8 ~~opportunity to work for an employer and includes any agent of the person.~~
- 9 ~~10. "Labor organization" means a person, employee representation committee, plan in~~
10 ~~which employees participate, or other organization which exists solely or in part for the~~
11 ~~purpose of dealing with employers concerning grievances, labor disputes, wages,~~
12 ~~rates of pay, hours, or other terms or conditions of employment.~~
- 13 ~~11. "National origin" means the place of birth of an individual or any of the individual's~~
14 ~~lineal ancestors.~~
- 15 ~~12. "Otherwise qualified person" means a person who is capable of performing the~~
16 ~~essential functions of the particular employment in question.~~
- 17 ~~13. "Person" means an individual, partnership, association, corporation, limited liability~~
18 ~~company, unincorporated organization, mutual company, joint stock company, trust,~~
19 ~~agent, legal representative, trustee, trustee in bankruptcy, receiver, labor organization,~~
20 ~~public body, public corporation, and the state and a political subdivision and agency~~
21 ~~thereof.~~
- 22 ~~14. "Preferred pronoun" means a pronoun that does not conform to the individual's~~
23 ~~assigned sex at birth.~~
- 24 ~~15. "Public accommodation" means every place, establishment, or facility of whatever~~
25 ~~kind, nature, or class that caters or offers services, facilities, or goods to the general~~
26 ~~public for a fee, charge, or gratuity. "Public accommodation" does not include a bona~~
27 ~~fade private club or other place, establishment, or facility which is by its nature distinctly~~
28 ~~private; provided, however, the distinctly private place, establishment, or facility is a~~
29 ~~"public accommodation" during the period it caters or offers services, facilities, or~~
30 ~~goods to the general public for a fee, charge, or gratuity.~~

1 ~~15.16.~~ "Public service" means a public facility, department, agency, board, or commission
2 owned, operated, or managed by or on behalf of this state, a political subdivision
3 thereof, or a public corporation.

4 ~~16.17.~~ "Readily achievable" means easily accomplishable and able to be carried out without
5 much difficulty or expense by a person engaged in the provision of public
6 accommodations.

7 ~~17.18.~~ "Reasonable accommodations" means accommodations by an employer that do not:
8 ~~a.~~ Unduly disrupt or interfere with the employer's normal operations;
9 ~~b.~~ Threaten the health or safety of the individual with a disability or others;
10 ~~c.~~ Contradict a business necessity of the employer; or
11 ~~d.~~ Impose undue hardship on the employer, based on the size of the employer's
12 business, the type of business, the financial resources of the employer, and the
13 estimated cost and extent of the accommodation.

14 ~~18.19.~~ "Sex" includes pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

15 ~~19.20.~~ "Status with regard to public assistance" means the condition of being a recipient of
16 federal, state, or local assistance, including medical assistance, or of being a tenant
17 receiving federal, state, or local subsidies, including rental assistance or rent
18 supplements.

19 **SECTION 1.** Section 14-02.4-03.1 of the North Dakota Century Code is created and
20 enacted as follows:

21 **14-02.4-03.1. Preferred pronoun - Discriminatory practice.**

- 22 1. Unless required by law, a government entity may not require an employee to:
23 a. Use an individual's preferred pronoun when addressing or mentioning the
24 individual in work-related communications.
25 b. Designate the employee's preferred pronoun in work-related communications.
26 2. A violation of this section is a discriminatory practice. An individual may assert a
27 violation of this section as a claim or defense in a judicial proceeding and obtain
28 appropriate relief, including costs and reasonable attorney's fees.

29 **SECTION 2.** Section 15.1-06-21 of the North Dakota Century Code is created and enacted
30 as follows:

1 **15.1-06-21. School policy - Expressed gender.**

2 1. As used in this section:

3 a. "Expressed gender" means a gender identity, whether expressed through
4 behavior, clothing, mannerisms, preferred pronoun, or physical characteristics,
5 which does not conform to the student's sex; and

6 b. "Sex" means the biological state of being male or female, based on sex organs,
7 chromosomes, and endogenous hormone profiles existing at the time of birth.

8 2. Unless otherwise required by law, a board of a school district, a public school, or a
9 teacher in a public school may not:

10 a. Adopt a policy or practice regarding expressed gender;

11 b. Provide or authorize classroom instruction recognizing expressed gender; or

12 c. Provide or require professional development recognizing expressed gender.

13 3. When required by federal law, a board of a school district, a public school, or a teacher
14 in a public school may adopt a policy concerning a specific student's expressed
15 gender or preferred pronoun if the policy is made in consultation with, and with the
16 approval of, the student's parents or guardians. Notwithstanding this subsection,
17 unless otherwise required by federal law, a teacher in a public school is not required to
18 use a student's preferred pronoun when referring to the student if the preferred
19 pronoun is inconsistent with the student's sex.

20 4. This section does not prohibit a public school teacher from using a student's preferred
21 pronoun that is inconsistent with the student's sex if the teacher has consulted with,
22 and received approval from, the student's parent or guardian and the school
23 administrator.

23.0590.02001
Title.

Prepared by the Legislative Council staff for
Senator Luick
February 2, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2231

Page 1, line 3, remove "; and to amend and reenact section 14-02.4-02 of the North Dakota Century"

Page 1, line 4, remove "Code, relating to preferred pronoun and discriminatory practice definitions"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 18

Page 4, line 26, replace "A violation of this section is a discriminatory practice" with "An individual may assert a violation of this section as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees"

Page 5, after line 17, insert:

"4. This section does not prohibit a public school teacher from using a student's preferred pronoun that is inconsistent with the student's sex if the teacher has consulted with, and received approval from, the student's parent or guardian and the school administrator."

Renumber accordingly

Chairman Klemin, Vice Chair Karls and members of the House Judiciary Committee,

I would have liked to present my testimony in person, but I am unable to take time off to testify before you today. Please accept my written testimony **in opposition to SB 2231**. I urge you to recommend a DO NOT PASS for SB 2231. My husband I have lived in North Dakota for 26 years and raised our three children here – although two of our three children now live out of state. I fear if SB 2231 passes, we're going to lose more people, young and not so young, who will chose not to live in North Dakota – and we need our young people to stay here!

I am very disappointed that even though most of the testimony (43 of the 60 submitted testimonies in the Senate) was in OPPOSITION to SB 2231, the committee recommended a do pass and it went on to pass in the Senate. This bill does not appear to be the will of the citizens of North Dakota.

I concur with the other opposition testimony that has already been submitted that this bill seems to seek a problem that doesn't exist, inserts government where it shouldn't be, and could have an extremely detrimental impact on the mental health of a young person who is just struggling to fit into their town, school, or community.

I will reiterate what licensed therapists have stated in their opposition of this bill: This bill ignores the diverse population of North Dakotans and will result in loss of community members. It does not make North Dakota a desirable place to live and is not reflective of the values that most North Dakotan's hold toward their friends, neighbors and family members. I value a future in North Dakota where people are respected - if a person wishes to be called "they" rather than "she" or "he" that desire should be respected, not outlawed.

I urge you to recommend a DO NOT PASS vote of SB 2231

In grateful appreciation for your elected service to all North Dakotans,

Ann Fritz

Bismarck, North Dakota

House Judiciary Committee
SB 2231
Testimony in Opposition
Hearing: March 20, 2023

Dear Chairman Members of the Committee:

I write on behalf of the Government Affairs Committee for the Fargo Board of Education and respectfully urge you to vote NO on SB 2231.

The Fargo Public School’s mission statement is “Educating and Empowering All Students to Succeed.” Inherent in this statement is a commitment that no student attending the Fargo Public Schools will be subject to discrimination, bullying, harassment, and that every student will be accepted, and have the same rights and opportunities to learn and participate in school life regardless of gender, gender identity or expression, race, nationality, or disability. SB 2231 stands in the way of this mission and harms students, schools, and school culture.

The simple act of properly addressing a student by their identified pronouns has a powerful impact towards ensuring a more accepting, respectful, and inclusive learning and working environment. National research suggests that an overwhelming 75% of transgender youth have felt unsafe at school and are more likely to miss school out of concern for their own safety. Transgender students suffer from suicide ideation and attempts at far higher rates than their non-LGBTQ peers. All students—particularly our most vulnerable—deserve to learn in an environment free of sex-based harassment, all students should have the freedom to express and have the school honor gender identity, and all students should be addressed in accordance with their gender identity. SB 2231 is in direct conflict of our school district’s commitment to educational justice.

Additionally, SB 2231 Section 2, Part 4’s provision that creates an exception only for parental or guardian consultation and approval ignores the reality that these students could face neglect or abuse from their parents and guardians.

We strongly urge you to vote NO on SB 2231.

Sincerely,

/s/Melissa H. Burkland

Melissa H. Burkland

Fargo Board of Education

Government Affairs Committee Member

Dear Members of the House Judiciary Committee

My testimony is in opposition to Senate Bill 2231. I ask that you give this bill a Do Not Pass recommendation.

Teachers have an important role in the lives of students of all ages. Learning requires a safe space where students feel comfortable. Asking students how they want to be addressed is an important way to make students feel safe and empowered. This bill will take that possibility away and for what? Because the teacher or employee feels uncomfortable using a specific name or pronouns or believes that LGBTQIA+ people do not exist? Should the teacher not be the bigger person and be uncomfortable instead of making the students in his/her/their class uncomfortable for who they are? This bill makes bullying and cruelty legal and again for what? Because the faith or conviction of the teacher is more important than respect for the student? This bill is cruel and will cause harm. I hope the “-pro-life” legislators are okay with an increase in suicides and bullying.

Using the proper pronouns and name for a person is not political or religious. It is an act of kindness and recognizing the other as a person who deserves respect. It pains me to see that the majority of legislators in the State of North Dakota is devoid of empathy and want to make the simple act of kindness, using the name and pronoun a person asks to be used (independent of what is on the birth certificate), illegal.

Taken together this bill is harmful, therefore, deserves a Do Not Pass recommendation.

Hilde van Gijssel
Valley City

CONCERNED
WOMEN *for* **AMERICA**
 LEGISLATIVE ACTION COMMITTEE

March 20, 2023
 House Judiciary Committee
 Testimony in Support of SB 2231

Chairman Lawrence Klemin and members of the House Judiciary Committee, I am Linda Thorson, State Director for Concerned Women for America (CWA) of North Dakota. Today, I am testifying for Concerned Women for America Legislative Action Committee in support of SB 2231.

As the largest public policy women’s organization in the nation and our state, CWA of North Dakota strongly supports SB 2231 as it protects the [First](#) and [Fourteenth Amendment](#) rights of an employee defined in the bill as “a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.”

As a former educator for 26 years and a recipient of the North Dakota Council for Exceptional Children State Teacher of the Year award in 2016, I strongly support Section 15.1-06-21 of the bill, entitled School policy – Expressed gender.

“A school district board, a public school or a teacher in a public school should not adopt a policy or practice regarding expressed gender” from line 12 on page 3 for two reasons.

- Forcing teachers to use “preferred pronouns” infringes on a teacher’s right to free speech and the free exercise of religion. Policies that require a student to be referred to by gender, non-binary, or plural pronouns, or other gendered languages that are different from the student’s biological sex violate the religious belief that God assigns sex at conception and is a conflict for those unwilling to compromise their beliefs.
- Teaching children about “preferred pronouns” steals valuable classroom instructional time and creates an undo burden on the instructor.

Fostering a [positive classroom environment](#) that is conducive to learning increases academic achievement and engagement for the student and is best achieved when the teacher isn’t encumbered with “Expressed Gender policies.” More about the issue of “gender identity” ideology and education can be found at [Campus Insanity](#) by Penny Young Nance, CEO and President of Concerned Women for America and [Gender Identity and Back to School Indoctrination](#) by Doreen Denny, CWA’s Senior Policy Advisor.

Please vote “do pass” on SB 2231.

Testimony in opposition of HB 2231

Relating to preferred pronoun discriminatory practices and school policies on expressed gender.

House Judiciary Committee March 20, 2023

Representative Klemin and committee members. My name is Stephen McDonough. I am providing testimony in opposition to HB 2231.

I am a board certified pediatrician who worked in North Dakota for forty years, from 1980 to 2020. I worked at the NDDoH from 1985 to 2000 and served at times as the State Epidemiologist, AIDS/Project Director, Director of Maternal and Child Health and Chief Medical Officer. As a pediatrician, I provided primary care to LGBTQ adolescents and treated them with dignity and respect.

If a person wants to be addressed by a pronoun due to a change in gender identity, they should be addressed as they prefer. It is really none of the state of North Dakota's business to interfere with this.

We have a Legislature considering around 20 anti-transgender bills, all based on lies and misinformation. These terrible bills have given our state the reputation of being anti-science and one of intolerance and hate. Nearly 70 religious leaders and over 200 medical providers have recently published letters to the editor opposing these hateful bills.

The North Dakota Legislature should not be bullying transgender individuals. HB 2231 needs to be defeated.

Stephen McDonough MD

Jane Pettinger

3633 River Drive
Fargo, ND 58104

Date: March 19, 2023

To: North Dakota House Judiciary Committee

Re: SB 2231 on school policies on treatment of trans youth

Committee Chair and members of the Committee -

My name is Jane Pettinger, I reside in Fargo. I was born and raised here. This note is to let you all know that as a lifelong North Dakotan, I stand in firm opposition to SB 2231.

This bill will only serve to harm our most valuable resource: our children! It is a bill that does no one any good and causes harm to a select few individuals. Why do harm to our young people?? Our school professionals, who work with our young people every day, deserve our respect and support as they strive to ensure EVERY child is treated respectfully and reaches their best potential. This legislation will endanger our kids by sending messages of hate and division, making school professionals jobs even harder. Why is this bill needed? What problem is it resolving? What constituents is it serving?

We need to strive to support ALL North Dakotans. This includes all kids who struggle with all sorts of issues while they grow and mature and find their place in life. Let us support ALL of our youth. Why are politicians interfering in school professionals' actions?? Seriously!? What the heck are we spending time on this issue for?

Note: The entire state faces a labor shortage and our legislator's actions on LGBTQ+ issues this session will only serve to drive our youth out-of-state. This will be a clear consequence of all this hateful legislation. How about we send a message to our youth that we support them by STRONGLY killing this bill?!

Let people live their lives, their best lives, according to their own unique needs.

Jeez. Why is this an issue?

Jane Pettinger

pettingercrew@outlook.com
cell: 701/306-4495



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

To: House Judiciary Committee
From: Christopher Dodson, Executive Director
Subject: Senate Bill 2231 - Public Employees and Public Schools
Pronoun Policies
Date: March 20, 2023

The North Dakota Catholic Conference supports Senate Bill 2231 to protect the rights of public employees and public school parents, and to set limits on when and how a public school can adopt policies regarding expressed gender.

The first part of the bill prohibits a government entity from:

- Mandating that a public employee use an individual's preferred pronoun when addressing or mentioning the individual in work-related communications;
- Requiring that a public employee designate the employee's preferred pronoun in work-related communications.

The bill does not prohibit an employee from using someone's preferred pronoun. It does not prevent an employee from designating their preferred pronoun in work communications. It does not prevent any government entity from complying with federal law or from making the best language choices when providing health care or similar services. It only prohibits the government employer from mandating those specified actions, unless it is otherwise required by law.

The second part of the bill states that, unless it is otherwise required by law, a board of a school district, a public school, or a teacher in a public school may not:

- Adopt a policy or practice regarding expressed gender;
- Provide or authorize classroom instruction recognizing expressed gender; or
- Provide or require professional development recognizing expressed gender.

If such a policy concerning a specific student's expressed gender or pronoun is required by law, SB 2231 requires that the policy be made in consultation with and with the approval of the parents. In 2021, a school district in North Dakota adopted a policy that prohibited school employees from revealing a student's "transgender status" and preferred pronoun to the student's own parents. (The policy is attached.) The policy has since been changed, but this infringement upon parental rights should not have happened. Senate Bill 2231 ensures that it will not happen again.

103 South Third Street
Suite 10
Bismarck ND 58501
701-223-2519
ndcatholic.org
ndcatholic@ndcatholic.org

Finally, SB 2231 reiterates that, unless otherwise required by law, public schools cannot require teachers to use a student's preferred pronoun. It does not, however, prohibit the teacher from using the student's preferred pronoun if the teacher has consulted with, and received approval from, the student's parent or guardian and the school administrator.

Over the last two years, my office has heard from public employees and the pastors of public employees about how such policies conflict with sincere religious beliefs or strong non-religious convictions. Some public employees were forced to attend professional development sessions devoted solely to the promotion of adopting policies and practices accommodating expressed gender and preferred pronouns. Then I heard from legislators who heard the same concerns from their constituents.

This legislative body is considering many bills related to gender this session. Senate Bill 2231 addresses the basic issues — parental rights, public employee rights, and public school policies.

We ask for a "Do Pass" recommendation on Senate Bill 2231.

TRANSGENDER AND GENDER NONCONFORMING STUDENT PROCEDURE

This administrative rule serves as a guide on how to best support the needs of the district's transgender and gender nonconforming students and their families. This regulation does not anticipate every scenario and situation that may occur with respect to transgender and gender nonconforming students, and not all transgender and gender nonconforming students' needs may be the same. Therefore, administrators are encouraged to discuss these issues with each transgender and gender nonconforming student and their families on a case-by-case basis to determine how best to support the student within the parameters of this administrative regulation.

Student Transition Meeting

The principal or designee shall request a meeting with the transgender or gender nonconforming student and their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity.

The goals of the meeting are to:

1. Develop an understanding of the student's individual needs with respect to their gender expression or gender identity, including any accommodations that the student is requesting or that the District may provide according to district policy and procedure, and/or under state and federal law; and
2. Develop a shared understanding of the student's day-to-day routine within the school so as to foster a supportive relationship and help alleviate any apprehensions the student may have with regard to their attendance at school.

The school may not require the student to attend a meeting as condition of providing them with the protection to which they are entitled under district policy and procedure, and/or state and federal laws regarding gender expression or gender identity.

Official Records

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District must change a student's official records to reflect a change in legal name upon receipt of documentation that the student's legal name has been changed pursuant to a court order or through amendment of state or federally-issued identification.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, i.e., rosters, student ID cards, or awards, the District must use the name and gender by which the student identifies.

In situations where school employees are required by law to use or report a student's legal name or gender, such as for standardized testing, school staff shall adopt practices to avoid the inadvertent disclosure of the student's transgender or gender nonconforming status.

Privacy/Confidentiality

The District shall ensure that all personally identifiable and medical information relating to a transgender and gender nonconforming student shall be kept confidential in accordance with applicable state, local, and federal privacy laws. School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff, unless legally required to do so or the student has authorized such disclosure. In the rare instance that a school is legally required to disclose a student's transgender status, the school should provide the student an opportunity to make the disclosure

themselves, where practicable. This would include providing the student with any support services the student may need to make the disclosure in a safe and supportive environment.

Communication and Use of Names and Pronouns

The principal or designee shall privately ask the transgender or gender nonconforming student how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information shall be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student. When appropriate or necessary, this information shall be communicated directly with staff to facilitate the use of proper names and pronouns. A student is not required to change their official records or obtain a court-ordered name and/or gender change as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

When communicating with transgender or gender nonconforming students regarding particular issues such as conduct, discipline, grades, attendance or health, school employees shall focus on the conduct or particular issues rather than making assumptions regarding the student's actual or perceived gender identity. When communicating with parents of transgender or gender nonconforming students, school employees shall refrain from the use of gender pronouns and refer to the student by name whenever practicable. The District shall not condone the intentional and persistent refusal to respect a student's gender identity, or inappropriate release of information regarding a student's transgender status.

Dress Code

The District shall allow students to dress in a manner that is consistent with their gender identity and/or gender expression within the constraints of the dress code adopted at the student's school of attendance and within the constraints of the district guidelines for dress as they relate to health and safety issues (e.g., prohibitions on wearing gang-related apparel). The school dress code must be gender-neutral and shall not restrict a student's clothing choices on the basis of gender.

Restroom Accessibility

Students shall have access to a restroom that corresponds to their gender identity. A student shall not be required to use a restroom that is incongruent with the student's gender identity. Where available, a single use bathroom may be used by any student who desires increased privacy, regardless of the reasons. The use of a single use bathroom shall be a matter of choice for a student, and no student shall be compelled to use such a bathroom. Use of restrooms by transgender or gender nonconforming students shall be determined on a case-by-case basis depending on specific circumstances.

Locker Room Accessibility

Use of locker rooms by transgender or gender nonconforming students shall be assessed on a case-by-case basis, with the goal of maximizing transgender or gender nonconforming student social integration, providing an equal opportunity to participate in physical education classes and athletic opportunities, and ensuring the student's safety. In most cases, the district shall provide the student access to the locker room that corresponds to the gender identity they assert at school. Reasonable alternatives to locker room conditions include, but are not limited to:

1. Use of a private area (e.g., nearby restroom stall with a door, an area separated by a curtain, an office in the locker room, or a nearby restroom); or
2. A separate changing schedule (i.e., utilizing the locker room before or after the other students).

Any alternative to locker room conditions shall be provided in a manner that allows the student to keep his or her transgender or gender nonconforming status private. No student, however, shall be required to use a locker room that conflicts with his or her gender identity.

Physical Education, Athletics and Activities

Students shall be permitted to participate in gender-separated physical education, intramural athletics, and non-high school interscholastic athletics and activities in accordance with the student's gender identity. Participation in high school interscholastic athletics and sports is governed by the [North Dakota High School Activities Association](#), which has its own policy with respect to transgender student participation. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight trips, shall be addressed on a case-by-case basis using the guiding principles of safety and honoring the student's gender identity and expression.

End of Grand Forks Public Schools Administrative Regulation FDI-AR.....Approved: 3/22/2021

ADMREG 06/2019



**TESTIMONY on SB 2231
from the
NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER
to the
House Judiciary Committee
March 20, 2023**

Chair Klemin and members of the House Judiciary Committee:

NASW-ND urges the members of the House Judiciary Committee to **vote DO NOT PASS on SB 2231. SB 2231 will discriminate against and harm transgender and gender non-conforming government employees and public-school students throughout North Dakota.**

The bill will result in inconsistencies in preferred-pronoun use and recognition of gender identity, will create confusion among government employees, public-school students, teachers, and staff, may promote bullying of transgender and gender-nonconforming individuals, and will cause further trauma for transgender and gender-nonconforming individuals.

According to The Trevor Project, in North Dakota in 2022:

- 38% of LGBTQ youth in North Dakota seriously considered suicide
- 16% of LGBTQ youth in North Dakota attempted suicide
- 64% of LGBTQ youth experienced discrimination based on sexual orientation or gender identity
- 40% of LGBTQ youth experienced threat or harm based on sexual orientation or gender identity.

By encouraging disrespect for government employees and public-school students due to their gender identities or expressions, SB 2231 poses a serious threat to the wellbeing of these employees and students. The bill will deny transgender or gender-nonconforming individuals the opportunity to work or learn in an organization or school that recognizes and respects them.

All individuals, regardless of their gender identity or expression, deserve to work and be educated in a safe environment with colleagues or teachers who respect them for who they are and how they express themselves. **The NASW-ND respectfully requests that the House Judiciary Committee votes Do Not Pass on SB 2231.**

Submitted by:

Elizabeth Loos
NASW-ND Lobbyist

Testimony to ND Legislators on SB 2231 – March 20, 2023

Chairman Representative Klemin, Vice-Chair Representative Karls, and Representatives of the Judiciary Committee, thank you for the opportunity to address you on Senate Bill 2231.

“I just want to teach”

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

On January 25th I submitted written and oral testimony to the Senate Judiciary Committee on **SB 2231**. I return today to testify in support of **SB 2231** based on and sharing a limited part of what I personally experienced in education over several years related to important objectives in **Section 2. 15.1-06-21. School policy – Expressed gender. 1-4.**

In August 2022, I became aware of policy changes at DLHS directed by administration to staff during Fall orientation just before the start of classes. The bullet points listed here were stressed by the principal to staff from slides under “What I Told Kids / Parents” (see attachment). Despite the assertion on the slide by the administrator, to the contrary, the community at large was not informed of this policy change nor is it aware now of recent and past concerted efforts by a few individuals to advance LGBTQ... ideology in the school district.

Below the bullet points from the principal’s slides are my commentaries. The intent / expectations of some of these directives appear coercive, violating 1st Amendment rights of staff members.

***If you don’t know what LGBTQIA+ stands for/means – you better learn.**

LGBTQIA+ are letters – conventions of speech with controversial meaning and implying in some ways radically revolutionary anthropology that entered public discourse in maybe what – at most the last 1/10 of a second of human history? The terms need to be discussed to arrive at shared meaning and possible agreement as to validity. What in depth does the administrator think those terms mean? The staff? The community? Is there shared agreement on meanings and the implications of those meanings for educating students in the school setting? No

***Kids need love and support, quit calling them confused. Be their parent and help them navigate who they are.**

Were parents in the community asked if they wanted the school to assume responsibility for raising their children? No. Have citizens been asked if they want the school to replace the values of their families with the administrator’s values? No

***Your moral compass cannot get in the way of embracing and educating our children.**

What? Teachers are not to rely on their moral compass in their interactions with students, staff, and their fellow human beings. So, there is no objective moral truth? The morality of every action is relative? Then who decides limits of when staff can be compelled to violate their conscience? Whose moral compass should guide staff when teaching students? The administrator’s LGBTQ... ideology?

***Your religious beliefs are your beliefs. You can hold these near and dear, but they cannot get in the way of your willingness to embrace and educate our children.**

Religious beliefs don't count? The first amendment to the US Constitution doesn't count? Under what circumstances? Someone obviously needs an explanation of what the Constitution means, and what system of government we live under.

So, teachers cannot rely on moral truth or recognized natural law, both foundational to religious teaching and civil and criminal law in guiding their actions? Define embracing and educating. Embracing how? Educating what? There are problems with understanding this platitude if that is what it is and what these statements are meant to convey. Some forms of embracing are damaging. Some educational ideas may be hurtful and conflict with the rights and responsibilities of parents and guardians. Who decides for the community – students, teachers, parents, guardians – or the administrator?

What does administration mean by "our children" in these bullet points? This is a serious question. Because in staff meetings, on more than one occasion, the principal has stated to staff that churches have declined, and families have declined, so now the school needs to do more to compensate. Staff has objected openly to the practical implications of that statement; because staff, many of them parents themselves, do not want the school to assume or interfere with parents' and guardians' primary responsibility for their children and families.

***We need to move past tolerance! Tolerate is a negative word. We cannot be people who tolerate the beliefs of others or the behaviors of others.**

Why is tolerance a negative word? It indicates a willingness to allow others, for example, to civilly express an opinion or conduct an action, but not agree with that opinion or action. It is a norm in a free, complex society and as the Founders stress in the Federalist Papers, our system of government is composed of opposing factions and doesn't function without conflict and disagreement. Democracy is often messy. To insist on acceptance, or agreement, or affirmation from others for your own or others' actions or beliefs (ideology) is a form of coercion – the antithesis of tolerance. Compelled speech or compelled thought is not free speech or freedom of thought. Totalitarian societies and governments in our time and throughout history demand and function on conformity of thoughts and actions – thought police impose group think.

The principal's bullet points below, at last Falls staff orientation, were stressed to staff from slides under "Inclusive Environment" (see attachment). Below those bullet points are my reactions.

***Gender Identity, name, state ID (name), testing, etc. ...**

***Powerschool [the student on-line directory] will be updated with preferred name/gender. Use those.**

More evidence of coercion of students' and staffs' speech in the school environment.

***Pronouns**

***Some students may request they/them specifically while other want he/his, she/her, etc. ... honor what they ask for.**

Where is this social engineering coming from? In over a quarter century of teaching, I never experienced any student ask to be addressed by a specific pronoun. Why is this needed? When have any staff become

aware of students banging down office doors demanding to be addressed by pronouns? This directive is almost entirely irrelevant and non-sensical. People speak using conventional address in high schools. In school, pronouns are rarely used by teachers addressing a student. Students are addressed by their given name or occasionally by a nickname. To use a recent figure of speech questioning the inanity of this directive: "What is Woman?" In this Brave New World that is being created at DLHS and in some schools across North Dakota, what happens if someone is known to be male or female and cross-dresses and is then not called by the name they want by staff or students? Will not remembering to use one of numerous pronouns now being tried out be considered a serious infraction of policy? Will confusing that pronoun with a new one that is manufactured next week and picked up by a student on social media for use – will that be considered a serious infraction of policy? Will non-participation in gender fluidity preferences, contrary to known biological reality, be considered cause for dismissal or some form of demotion or punishment for staff or students?

Compelling the use of pronouns in addressing students (which incidentally serves no practical purpose) is not free speech and is in apparent conflict with the 1st Amendment to the US Constitution.

On my exit form last May terminating employment, I was asked to list challenges facing Devils Lake Public School for use by the superintendent and the school board. The number one problem I listed getting in the way of students getting an education was the ever-growing culture of distraction created by ever-growing, unnecessary time-wasting policies and activities in our schools.

Here are the words of a staff member at DLHS after experiencing Fall orientation before the start of classes:

"I don't understand why we are doing this. I am just here to teach. I don't care what your sexual orientation is, your religious background, other personal beliefs, or what you want to be called, etc. I just want to teach."

Request of the Legislature of the State of North Dakota

Given the now apparent threat to citizens' rights under the 1st amendment to the US Constitution that are now being instituted in our schools through policies by a small group of unrepresentative activists, a law recognizing freedom of speech, conscience, and religion for staff and students in North Dakota schools should be enacted with accompanying penalties for intentional infractions.

Footnote:

A 2021 ND high school graduate entering the engineering program at NDSU, during Summer online orientation led in part by gender studies majors, with about 50 other Freshmen were provided and strongly encouraged to pick from a wide range of pronouns for use on campus. He told me none of them were having it. In the Fall, in small group orientation at the dorm, the incoming students were made to introduce themselves using a pronoun by the RAs. RAs later told students they were compelled by administration to make students use pronouns during dorm orientation.



WHAT I TOLD KIDS/PARENTS

don't know what LGBTQIA+ stands for/means – you better learn.

need love and support, quit calling them confused. Be their parent and help them navigate who they are.

nts need to be nice to each other, accepting of all, and advocate for needs of self and others.

moral compass cannot get in your way of embracing and educating our children.

religious beliefs are your beliefs. You can hold these near and dear, but they cannot get in the way of your
gness to embrace and educate our children.

personal views cannot be an issue, a discussion, or a soapbox. Be smart, appropriate and above all – kind.

eed to move past tolerance! Tolerate is a negative word. WE cannot be people who 'tolerate' the beliefs
ers or the behaviors of others. We need to be patience and kind while embracing and educating our kids!





INCLUSIVE ENVIRONMENT

der Identity, name, state ID (name), testing, etc...

Powerschool will be updated with preferred name/gender. Use those.

TQIA+ (these are the normal ways the letters are used):

Lesbian – refers to gay women or homosexuality among females instead of using 'gay' as the term as that is widely used to describe males.

Gay – used to describe men and women attracted to the same sex, usually used for homosexuality among males.

Bisexual – a person of any gender is attracted to people of another/several other genders, not simply male liking both female/male.

Transgender – wide-ranging term for those whose gender identity or gender expression differs from biological sex assigned at birth.

Questioning – people uncertain of their sexual or gender identity (sometimes Queer is used as a catchall in this category).

Intersex – someone born with biological sex characteristics that are not traditionally associated with male or female bodies.

Asexual, Aromantic, Agender, and sometimes (Ally) depending on who you talk to – a person who experiences little to no romantic attraction. Ally comes in for those who may not identify as any of the LGBTQIA+ pieces but support those who do.

+ stands for everything on the gender and sexuality spectrum that letters and words cannot yet describe.

I can provide you more if you would like!!! These are the main letters/terms but there are so many more. Become educated!

ouns

Some students may request they/them specifically while others want he/his, she/her, etc... honor what they ask for.



DO NOT PASS ON SB 2231

Dear Chair Klemin and the members of the House Judiciary Committee, I urge a “Do Not Pass” on SB 2231. My name is Kristin, my pronouns are she/her, I am the founder of an organization called Project RAI, we work with gender queer children ages 3-14. We work to provide them resources, advocacy, and community so kids are able to when feeling lonely and reduce the risk of suicide.

Research on affirming school policies and practices shows that affirming and welcoming all students for who they are leads to a more positive school environment as a whole. School climate for both LGBTQ children and cisgender children are impacted heavily by the practices that are in place. Amy Gower et al., defined school climate as “the quality and character of school life”, and it has been associated with a variety of student behaviors, regardless of sexual orientation or gender identity (2018, p. 814). The research found that schools with supportive climates are able to follow best practices to create that supportive climate throughout; these best practices had positive impacts on all students in the school, not just LGBTQ children.

Kris T. De Pedro et al., examined safety, victimization, and school climate in rural LGBTQ youth. The study aimed to compare feelings of safety among rural vs urban LGBTQ children and what supports are available to them. School victimization has an adverse impact on the academic achievement and well-being of LGBTQ youth. Researchers found that safety is enhanced for LGBTQ youth when enumerated anti-bullying policies are in place (De Pedro, et, al., 2018, pgs 265-266). As shown in other studies, LGBTQ students feel safer and more supported when school climate and policies are inclusive; this study found similar results, however, LGBTQ youth in rural communities may have difficulty accessing basic resources and support typically found in urban areas (p. 277). Lack of basic resources can lead to higher depression rates, greater feelings of insecurity in school, and greater rates of isolation.

According to the report, 61.6% of queer youth in North Dakota have seriously considered attempting suicide. 84% do not have any adult to turn to when feeling sad, hopeless, angry, or anxious, 61% reported bad mental health for one week or more each month (Seidler, 2021, p. 4). Our queer youth in North Dakota deserve to confidently exist in spaces as their cisgender classmates; schools will play a big role in helping our youth feel affirmed and accepted.

LGBTQ positive school climates exist in very small percentages across the state. Not supporting LGBTQ professional development training and having comprehensive LGBTQ anti-bullying/harassment polices creates a negative cascade across all outcomes related to school belonging, opportunity, and support (Seidler, 2022, p.6). Noted in the research, positive school climate practices and policies were major contributors to the success of LGBTQ students:

A positive LGBTQ-specific school climate, as opposed to a general positive school climate, is one that has supportive staff, teachers, and nurses who provide a sense of safety and support for LGBTQ students, promotes student empowerment and visibility through gay-straight alliances and inclusive curricula, has policies that explicitly enumerate protections on the basis of sexual orientation and gender identity, has staff that are required to learn about LGBTQ topics as part of their professional development,

and has staff that intervene when sexual orientation and gender identity-based harassment take place (Kosciw et al., 2016, p. 144).

The research showing positive impacts of gender affirming policies and procedures in public schools for not only queer students, but all students. Our state is at risk of creating school environments that queer students will not be able to exist in; OR our kids will go against these radical and dangerous policies and continue to affirm and welcome their friends. It is not fair to shove queer students back to the dark reaches of their personal closet, if they do not have a safe person to turn to at home, not able to talk to their supportive adult at school, what options do they have left? Nothing good, that's for sure. What a lonely existence the legislative body is setting up for our kids. I absolutely understand why families are making plans to leave.

Again, I urge a **DO NOT PASS** on SB 2231. Just because the authors of this bill hate queer kids, does not mean queer kids do not exist. These bills will kill kids, do not do this to them.

**House Judiciary Committee
SB 2231– March 20, 2023
Testimony of Rachel Sinness, P&A Legal Director**

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Our advocates and attorneys assist not only individuals with developmental and intellectual disabilities, but also those with mental health disabilities. This is where we see an intersectionality between gender identity and mental health. LGBTQ+ individuals are more likely to have a mental health disability than the general population. Studies routinely show that more than a third of LGBTQ+ individuals, and nearly 40% of trans individuals, report having at least one more or disability. Forty percent of trans individuals also reported having attempted suicide at some point in their lives. As shown by these statistics, disability issues disproportionately impact LGBTQ+ individuals.

Young people experience an even greater impact. Fifty-three percent of individuals aged eighteen to twenty-five years report serious psychological distress, and at least one quarter of LGBTQ+ youth report experiencing bullying at school because of an actual or perceived disability.

The prevalence of mental health disabilities in the LGBTQ+ community makes the community particularly vulnerable to proposals such as SB 2231, even if the proposal is well intentioned and purports to advance the rights of another class of individuals. As Audrey Lorde said, "There is no such thing as a single-issue struggle, for we do not lead single-issue lives."

For these reasons, P&A urges a DO NOT PASS on SB 2231.



The North Dakota Association of School Psychologists (NDASP) asks lawmakers to oppose the harmful policies outlined in the table below that target LGBTQ+ youth. These policies disallow students from using school facilities consistent with a student’s gender identity; require parental consent to have a student’s gender identity affirmed and acknowledged in school; mandatory parental notification when a student discloses they may be questioning their sexuality or gender identity; prohibition of classroom instruction on nonheteronormative sexual orientations and gender identities; removal of classroom materials that are inclusive of LGBTQ+ students and families; and afford protections for individuals who refuse to affirm a student’s identity and punitive measures for individuals who do. The following bills are discriminatory, against best practices, and do not reflect the peace and tranquility North Dakota is known for.

Vote NAY on House Bills			Vote NAY on Senate Bills
HB1205	HB1301	HB1474	SB2199
HB1249	HB1332	HB1488	SB2231
HB1254	HB1333	HB1489	SB2260
HB1256	HB1403	HB1522	
HB1297	HB1473	HB1526	

These proposed bills are in direct conflict with NDASP’s adopted position statement from the National Association of School Psychologists (NASP) which states that:

Positive educational and social outcomes for all children and youth are possible only in a society—and schools within it—that guarantees **equitable treatment to all people**, regardless of race, class, culture, language, gender, gender identity, religion, sexual orientation, nationality, citizenship, ability, and other dimensions of difference (NASP, 2019).

Additionally, school psychologists are guided by an ethical code that calls for beneficence, through which they respect the rights and dignity of all persons, and nonmaleficence, which requires that they do no harm. NASP’s ethical standards require school psychologists to validate and affirm a young person’s authentic lived experience, value their integrity, ensure their safety, and promote their well-being (NASP, 2020b). The proposed laws would prohibit school psychologists from practicing ethically.

Our LGBTQ+ youth need our support now more than ever. Some alarming statistics from The Trevor Project 2022 Survey include:

- 45% of LGBTQ youth seriously considered attempting suicide in the past year.
- 60% of LGBTQ youth who wanted mental health care in the past year were not able to get it.
- 73% of LGBTQ youth reported experiencing symptoms of anxiety
- 58% of LGBTQ youth reported experiencing symptoms of depression

NDASP also vehemently supports the use of evidence-based practice through an ethical lens. Conversion 'therapy' is not evidence based and has been determined to be fraudulent by several states. In fact, "The present-day scientific consensus is that such practices are not only ineffective, but highly harmful and fundamentally unethical." (Conine, Campau, Petronelli, 2022). Examples of historical unethical practices used in conversion therapy include corporal punishments such as spanking and electroshock therapy, among other questionable practices. The United Nations Human Rights Council (2020) goes as far to say that these practices are not only a public health problem, but also "violate the prohibition of torture and ill-treatment." 17% of LGBTQ youth reported being threatened with or subjected to conversion therapy (The Trevor Project, 2022), which can have life-threatening effects.

Support for LGBTQ+ youth leads to better outcomes for them and society as a whole. LGBTQ+ youth report that when adults talk to them respectfully about their LGBTQ+ identity and use their names and pronouns correctly, they feel supported. Research indicates that LGBTQ+ youth are more resilient when they have supportive people in their lives. Further, LGBTQ+ youth with higher resilience are 59% less likely to attempt suicide and 69% less likely to consider suicide (The Trevor Project, 2022). NDASP supports legislative actions to increase access to mental health for all individuals, including LGBTQ+ youth.

Please join NDASP in supporting our LGBTQ+ youth by voting "nay" on the house and senate bills listed above.

Sincerely,



Alannah Valenta, PsyS, NCSP

NDASP President, on behalf of North Dakota Association of School Psychologists

References:

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The Trevor Project. (2022). 2022 National Survey on LGBTQ Youth Mental Health. www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf

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March 19, 2023

Re: SB 2231 - Relating to the Preferred Pronouns and School Policies on Expressed Gender

Dear Chair Klemin and members of the House Judiciary Committee,

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic in Fargo, ND. Among the primary populations of people I serve are lesbian, gay, bisexual, transgender, queer, intersex, asexual, aromantic, and Two Spirit (LGBTQIA2S+) folks in North Dakota – including students in North Dakota’s public schools. I am a former elected school board member and I have two children in public schools. It is from these intersecting experiences that I urge you to vote **Do Not Pass on SB 2231**. If passed, this bill would do irreparable harm to transgender students throughout North Dakota, infringe upon the rights of local school boards/school districts to make decisions that best reflect the needs of their students, and drive teachers out of the state.

First, the data on the lethality of being a young trans person in the State of North Dakota is concrete. For trans high schoolers in North Dakota, we know:

- More than half seriously considered suicide in the last year
- That rate is 3.3 times higher than their straight cisgender counterparts
- 30.4% attempted suicide in the past 12 months
- That is five times higher than their straight cisgender counterparts

This is data, which focuses solely on youth in North Dakota, is from the 2021 Youth Risk Behavior Survey. These are the stats before the 2023 North Dakota legislature introduced multiple bills either directly targeting or severely disrupting the lives of our transgender friends, family, and neighbors. **Further, peer reviewed research from the Trevor Project shows transgender children who have one supportive adult in their lives are 39% less likely to attempt suicide.** This bill would rob so many children, who may not have one supportive adult at home, of the opportunity to have one at school. It is not hyperbolic to say, this bill will endanger the lives of North Dakota students.

Second, local control is something the North Dakota legislature often touts as something it values. However, this bill strips that away from school districts. During my tenure as a school board member, we had a plethora of data at our fingertips. Data we used to make decisions on how to improve educational outcomes and the reduce opportunity gap. Is it not best for the institutions that have the data on the

students they serve and the expertise in education to make decisions they deem most appropriate to reach their own goals?

Third, this bill will force teachers out of the state. I have heard about teachers who have already left North Dakota, because they do not feel like North Dakota provides a safe teaching environment. We do not have to search hard to see how laws like this have panned out in other states. Florida's teacher shortage is so dire, they are putting people with no teaching education or experience in classrooms. The collapse of a state's education system is a fast train to the bottom. Is that where we want to be?

Federal law requires public schools to provide a safe learning environment for every student. This bill would make that impossible in North Dakota. For the health and well-being of every student in North Dakota I urge you to vote **Do Not Pass** on SB 2231.

Sincerely,
Kara Gloe, LMSW
Canopy Medical Clinic

Chairperson Klemin, members of the House Judiciary committee, I am Barry Nelson, here on behalf of the Fargo Human Rights Commission to testify regarding SB 2231, and I urge you to vote do not pass on this bill.

The Fargo Human Rights Commission consists of [eleven volunteer members](#) who are nominated by the Mayor and appointed by the City Commission. Each serves a three-year term. The Human Rights Commissioners represent a broad range of racial, religious, ethnic, social, economic, political and professional groups.

Our mission is: The Fargo Human Rights Commission provides leadership and education in areas of civil rights, to eliminate discrimination against persons because of color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability, or marital status. It encourages adherence to civil rights through education, conciliation, and mediation. It identifies human and civil rights-related concerns of the public and recommends policies to the board of city commissioners that protect and preserve individual rights.

At its February, 2023 commission meeting, the assembled commission members voted unanimously on a resolution standing in opposition to the numerous bills targeting our Transgender community.

Our opposition to these bills is based on two principles: 1) it is harming our kids, and 2) it is restricting our freedoms.

In support of principle number one, I cite the following: National research tells us that 75% of transgender youth feel unsafe at school and are more likely to miss school out of concern for their safety. The North Dakota Youth Risk Behavior Surveillance (YRBS) data from 2021 indicates that suicide ideation and attempts are disproportionately higher for LGBTQ. Evidence is as follows: middle school students who ever seriously considered suicide: straight – 22%; LGB – 65%; Transgender – 74.7%. Middle school students who have ever attempted suicide: straight – 7.5%; LGB – 29.3%; Transgender – 46.3%.

Passing bills that directly or indirectly target LGB and specifically Transgender students only enhance this environment by further targeting them within schools and community.

It is within the overall context of the numbers and breadth of bills being presented in this legislative body, that we stand in opposition to SB 2231.

This bill flies in the face of everything Fargo Human Rights Commission stands for and against the values that this community purports: freedom and dignity for all.

It intentionally and cruelly targets a population

It represents government overreach

It violates the right to free speech

It bans the use of best practices. It is a proven fact that use of preferred pronouns improves mental health and reduces suicidality.

No clear purpose for the legislation other than to harass and terrorize an already vulnerable population.

As members of the Fargo Human Rights Commission, we affirm our Transgender and non-binary community; we endorse their right to live their authentic self in safety and dignity.

We refute this government sanctioned effort to promote hate and discrimination.

We oppose attempts like this to erase members of the Transgender community, and to purposely and intentionally do harm.

Please vote Do NOT Pass on SB 2231.

My name is Jodi Plecity and I recommend a DO PASS on SB2231. Thank you.

Jodi Plecity

House Judiciary Committee
March 20th, 2023 HB 2231
Testimony in Opposition

Dear Chair Klemins and the members of the House Judiciary Committee,

I urge a “Do Not Pass” on HB 2231.

- Conflicts with federal law under Title IX - [Department of Education](#).
- Conflicts with [Section 67.1-03-01-02](#) of the North Dakota Education and Standard Practice board: Code of Professional Conduct for Educators - Shall protect the student from conditions detrimental to learning or to physiological or psychological well-being.
- This bill deviates and in some cases would be considered ethical violations of the best standard of practice across multiple high level authorities within education relating to: [School Boards](#) | [Principals](#) | [School Counselors](#) | [Teachers](#) | [High School Associations](#) | [ACA Counselors](#) | [ND Social Workers](#)

I know this bill is concerned foremost with 1st Amendment rights. If this bill is passed, it will go to court. I have no doubt that North Dakota wants to participate within this legal fight at any cost.

I would like the committee to understand that I don't support compelled speech, but the evidence is unmistakable that using a child's preferred name and pronoun will make them feel safe, reduce depression, and suicidality. Misgendering a child will make them feel unsafe, depressed, and increase suicidality. It's a choice, I believe teachers should make.

I've been looking at this data for nearly ten years and the organizations above have for decades. Of the twenty bills that I have been tracking that will impact LGBTQ+ youth, I would wager this is the most directly harmful. Schools often serve as the one place of support and safety these kids get. When they don't feel safe at home or at school, they run away and when they're homeless they're at increased risk of trafficking, especially our indigenous trans youth.

If I may ask for mercy, this bill was introduced by Christopher Dodson with the intention of not making using pronouns mandatory. If possible, please take out Section 2, Subsection 4 and let queer kids still have someone in their life they can trust when their parents are hostile to them. If we could just give teachers a blanket exception to opt out of policies, at least we satisfy that goal without bringing undue harm to queer youth. Please.

Thank you for your time, consideration, and service to our state,
Faye Seidler

**Senate Judiciary Committee
March 20th, 2023
SB 2231 - Testimony in Opposition**

Dear Chair Larson and the members of the Senate Judiciary Committee,

My name is Shannon Krueger, District 3 resident, life-long North Dakota resident, educator, and mother; and I am writing in opposition of SB 2231.

As a former special education teacher and a practicing school counselor, I see firsthand the challenges our students face in schools. Their mental health, food insecurity, poverty, and lack of educational funding prevent many from prioritizing their education. Students with unmet basic needs have less focus on academics. Educators and school staff are stretched thin and covering shortages. The education system needs your help in meaningful, measurable actions--not made-up issues dealing with gender and sex.

As a constituent, I would much rather see legislative efforts to address the major issues at hand. Please give this bill a "do not pass," giving this session time to focus on better-suited issues that matter to North Dakota residents.

Thank you.

House Judiciary Committee
SB2231
March 20, 2023
Patricia A. Leno District 30

I am in favor of SB2231

I had to really think about what I believe to be truth in my personal belief system after hearing the testimonies of the trans-communities. I have quoted before the statement by Warren Wiersbe, Quote: "Truth without love is barbaric, and Love without truth is hypocrisy" end of quote. Because of these testimonies, and the ensuing conflict with my personal beliefs, I have come to this conclusion:

As a teacher, to make a decision on calling a student a pronoun that doesn't line up with their biological sex, it would be difficult for me. If I was forced to call a student a different pronoun, I would have to excuse myself from that position or quit my job in order not to go against my own beliefs. It is a difficult decision but one that I would have to take. I cannot compromise my belief that God created man and woman, and that a male can never be fully a female, and a female can never be fully a male. When reproductive abilities are distorted, damaged or eliminated, I feel our societies' human race is being destroyed. And I cannot condone that.

When children are forming their identity, I cannot agree to affirm pronouns different from their biological sex. To me, it's like helping them stay in that position over and over, and causing them to believe it even more. This would make a huge compromise in my own personal consciousness.

I relate to a letter that a Grandma sent to her transgender grandchild, which the grandchild read in a YouTube video called, [Amazing Response to Gender Confusion](#):

Quote: "got this letter from my grandma and it is addressed to miss Old Name. Not actually but you know I don't say my real name on the internet. (Next reading letter from her grandma) "Dearest dead name, on this our Blessed Mother's feast day, I am writing you to tell you that I will not address you as Mike. My decision is probably not a surprise to you. Others may comply with your request. My anguish and your chosen name and what that means has to do with your eternal soul. Know that I love you more than words could ever possibly convey to you. No matter how you decide to identify yourself does not change my deep love for you honey. Because of my concerns for your soul and your mental health, I'm spending more time with Jesus and adoration. The (my cousin's last names), are doing the same for you." End of quote.

So, I identify with this grandmother and how she feels about her grandchild. Is this grandmother hating her grandchild because the grandma won't accept the grandchild's preferred name? I think not! This is my constitutional right to believe in my personal belief system. Please pass SB2231. Thank you!



Testimony Supporting Senate Bill 2231

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
March 20, 2023

Good morning, Chairman Klemin and honorable members of the House Judiciary Committee. My name is Jacob Thomsen, and I am representing North Dakota Family Alliance Legislative Action. I am testifying today on behalf of our organization in support of Senate Bill 2231 and respectfully request that you render a “DO PASS” on this bill.

This bill does not prohibit the use of preferred pronouns. However, what it does, is protect against being forced to use preferred pronouns in accordance with Americans’ First Amendment Right to free speech.

Not using someone’s preferred pronoun can simply be a matter of confusion or unawareness. People often do not know what is going on with someone at a personal level, unless they know them closely. It cannot be expected that a person know and use someone’s pronouns perfectly if it does not align with common societal gender constructs. This can be a simple mistake, and no one should be punished for this.

The second part of this bill requires that a parent be notified if a child is expressing gender dysphoria. Parents are the primary stakeholders in a child’s wellbeing. They should always know what is going on in their child’s life so that they may seek the best possible solutions, or parent them in a proper way with regard to their child’s situation.

It is a parent’s responsibility to be involved in their children’s lives. Without this bill, hinderances to this have already occurred in North Dakota. Grand Forks Public Schools administrative regulation, in 2021, issued procedures stating that “school staff shall not disclose any information that may reveal a student’s transgender status to others, including parents or guardians – unless legally required to do so or the student has authorized such disclosure.”¹ This has since been amended.

¹ <https://drive.google.com/file/d/1ewmtwcpuhuQWPe53v8HEgMMfCe8WGmIJ/view>

This bill enacts the legal requirement to notify parents on the status of their children in school. It also protects freedom of speech in a workplace. For these reasons, North Dakota Family Alliance Legislative action requests that you render a "DO PASS" on this bill.

Thank you for the opportunity to testify and I will stand for any questions.

**SB 2231**

March 20th, 2023

Christopher Scott, North Dakota Student Association

701-340-3380 | Christopher.m.scott@ndus.edu

Celeste McCash, North Dakota Student Association

701-270-2419 | Konrad.mccash@ndus.edu

Chair Klemin and Members of the Committee: My name is Celeste McCash, I am the Head Delegate of Lake Region State College for the North Dakota Student Association, and I am testifying in opposition to SB 2231, which, if passed, will not require a government entity to require an employee to use an individual's preferred pronoun when addressing or mentioning that individual.

The North Dakota Student Association is a student organization established in 1969 dedicated to ensuring students have a voice in policy that affects Higher Education. We consist of delegates from each of the 11 public institutions meeting monthly to engage students in ND Higher Education policy.

Our mission is to empower students, create collaboration between the North Dakota public universities' student bodies, and give a student perspective on higher education policy. Over the past several years, the NDSA has taken several stances on protecting the rights of LGBTQIA2S+ students, with the most recent resolutions passed being [NDSA-09-2223](#), which establishes our organization's priorities for this legislative session, and [NDSA-14-2223](#), which is a resolution in support of transgender student rights.

This bill goes explicitly against transgender students' rights and prevents government employees from requiring employees to call transgender students by their preferred pronouns. This is a personal attack against them, and the use of their pronouns is a matter of showing respect, much like how we as students address our teachers in high school with Mr. and Mrs. and our professors

with Dr. If you were not to call them Dr., Mr., etc., they would feel disrespected. The same applies to transgender students when someone does not use their preferred pronouns. While this bill mentions that the violation of this section is a discriminatory practice, it's the opposite. Failure to accommodate individuals by using non-preferred pronouns is an act that violates traditional etiquette.

SB 2231 only has one outcome for North Dakota: economic losses. Individuals that are a part of the LGBTQIA2S+ community and their families will not consider moving to or continuing to live in our state. The bill will exacerbate the issue of retaining students after completing their higher education, with many seeking a welcoming environment elsewhere. I can attest that SB 2231 and similar bills encourage me to examine a future life outside North Dakota.

Transgender individuals will not only feel unwelcome in North Dakota but unsafe. This bill directly and unequivocally attacks transgender people. If SB 2231 passes, North Dakota will become another state where transgender individuals will feel persecuted. On the national landscape, this will hurt the image of North Dakota. Many citizens of the country will see our state as transphobic, and we will collectively garner a negative reputation. If passed, the bill will dissuade many potential students from attending an NDUS institution. SB 2231 will also damage the retention rates of students in the state and prevent entirely out-of-state potentials from filling the growing gap.

This bill tries to solve a nonexistent problem and harms the LGBTQIA2S+ community. In my college career as a student, requiring staff or faculty to use a student's preferred pronoun has not been an issue I've personally seen. Usually, when requested, staff or faculty members respect transgender students and use their preferred pronouns when asked to do so.

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on SB2231
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chairman Klemin and members of the House Judiciary Committee,

I am writing as a citizen and believe SB2231 is beneficial legislation. There is a culture war raging against children by activists, and we need SB2231 to establish good policy. Without the assistance of good policy like SB2231, students will be in lieu of learning their basic education, be busy trying to keep up with the required pronoun of the day or hour in addressing others. Consider the following case in the link that students must keep straight. [Coming out as GENDER FLUID to my 4TH GRADE class 🌈🙄! #shorts - YouTube](#) This is absurd and policy is needed to maintain standards and education. Notice it is all about the activist and not about the student or their education. This needs to stop.

Please give SB2231 a Do Pass.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

House Judiciary Committee
SB2231
 March 20, 2023

Chair Klemin, Vice Chair Karls, and members of the Committee:

On behalf of the ACLU of North Dakota, I submit testimony in opposition to SB2231.

Discrimination against transgender students violates the Equal Protection Clause of the Constitution and Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. § 1681(a).³ Title IX prohibits sex discrimination in any education program, such as a public school, that receives federal financial assistance. Courts have recognized that deliberately refusing to address transgender individuals by the name and pronouns consistent with their gender identity can be a form of sex-based harassment under state and federal antidiscrimination law.¹



The U.S. Supreme Court has held that statutory prohibition on sex discrimination in federal civil rights law encompasses discrimination against people because they are transgender.² Accordingly, the U.S. Department of Education has instructed schools and universities that discrimination against LGBTQ individuals violates Title IX’s rules against discrimination based on sex or sex stereotypes.³

While an honest mistake would not amount to a violation of Title IX, authorizing teachers or other school staff repeatedly to use names or pronouns for a student that are inconsistent with that student’s gender identity—while all other students are called by the appropriate name and pronoun—subjects transgender students to differential treatment and discrimination on the basis of sex.⁴ Again, SB2231 also violates the constitutional guarantees of Equal Protection.⁵

In addition, if teachers or other school employees disclose a student’s transgender status by insisting on using the pronouns associated with that student’s sex assigned at birth, schools could be subject to liability for violating students’ constitutional right to privacy. Indeed, several courts have recognized that

¹ See, e.g., *Doe v. City of New York*, 976 N.Y.S.2d 360 (N.Y. Sup. Ct. 2013) (holding that a transgender woman had sufficiently alleged discrimination under state sex discrimination law when the state HIV/AIDS Service Administration continued to address her by her former male name and male pronouns); *Burns v. Johnson*, 829 F.3d 1 (1st Cir. 2016) (plaintiff’s allegations, including employer’s purposeful and condescending use of the pronoun “she” to a male transgender employee, supported a reasonable inference of discrimination on the basis of sex); See also OCR Instructions to the Field re Complaints Involving Transgender Students, Dep’t. of Educ. Office for Civil Rights (June 5, 2017), <https://assets.documentcloud.org/documents/3866816/OCR-Instructionsto-the-Field-Re-Transgender.pdf> (“refusing to use a transgender student’s preferred name or pronouns when the school uses preferred names for gender-conforming students or when the refusal is motivated by animus” is an example of gender-based harassment).

² See *Bostock v. Clayton Cty. Ga.*, 140 S. Ct. 1731 (2020).

³ U.S. Dept. of Educ., *Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County*, (2021), <https://www.govinfo.gov/content/pkg/FR-2021-06-22/pdf/2021-13058.pdf>.

⁴ See, e.g., *Grimm*, 972 F.3d 586 (singling out transgender students and requiring them to use a different restroom than their peers violates Title IX); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist.*, 858 F.3d 1034, 1048–50 (7th Cir. 2017) (same). As the Seventh Circuit observed in *Whitaker*, where a school policy subjects transgender students “to different rules, sanctions, and treatment than non-transgender students,” this violates Title IX. *Id.* at 1049-50.

⁵ See *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258 (2009) (holding that “suits based on the Equal Protection Clause remain available to plaintiffs alleging unconstitutional gender discrimination in schools”).

government disclosure of private information such as an individual's sexual orientation violates constitutional privacy rights.⁶

In addition to violating federal antidiscrimination law, requiring permission from a parent or guardian in authorized use of a preferred name or pronoun can violate federal privacy laws by revealing the student's transgender status. Students have the right to share or withhold information about their sexual orientation and gender identity under the federal Constitution⁵ and the Family Educational Rights and Privacy Act ("FERPA").⁷ As NASSP advises, "transgender status, legal name or sex assigned at birth is confidential medical information and considered 'personally identifiable information' under the Family Educational Rights Privacy Act (FERPA). Disclosure of that information to other school staff or parents could violate the school's obligations under FERPA or constitutional privacy protections."⁸

School employees have no constitutional right to refuse to use the appropriate pronouns for transgender students in school. As discussed above, allowing teachers to use the wrong pronouns for transgender students (or any students) in their classrooms could violate statutory and constitutional law. There is, moreover, absolutely no legal basis for allowing public school employees to do so. When teachers address students in the classroom as part of their job duties, they are engaging in curricular speech, and have both the right and the responsibility to supervise the messages being sent to students with the school's imprimatur.⁹ "When a teacher teaches, the school system does not regulate [that] speech as much as it *hires* that speech."¹⁰ Indeed, because children must attend school, the Sixth Circuit has noted that they are a "captive audience," which further counsels against granting their teachers a free speech right to control the curriculum.¹¹ As the Fourth Circuit has explained, "public schools possess the right to regulate speech that occurs within a compulsory classroom setting, and...a school board's ability in this regard exceeds the permissible regulation of speech in other governmental workplaces or forums."¹²

Applying these principles, every court to consider the question has held that the First Amendment does *not* give K-12 school teachers a free speech right to refuse to address transgender students by pronouns consistent with their gender identity.¹³ Although the Sixth Circuit in *Meriwether v. Hartop*¹⁴ upheld a university professor's free speech objection to using a student's name and pronouns, the court was clear that its holding does not apply to teachers outside the university setting, and

⁶ See *Sterling v. Borough of Minersville*, 232 F.3d 190, 192 (3d Cir. 2000); *Nguon v. Wolf*, 517 F. Supp. 2d 1177, (C.D. Cal. 2007).

⁷ See Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.00 et seq. Disclosure of private information related to sex or gender can also violate sex discrimination laws. See *Roberts v. Clark Cty. Sch. Dist.*, 215 F.Supp.3d 1001 (D. Nev. 2016) (disclosure of private information about employee's transgender status in an email established a prima facie case for harassment/hostile environment under Title VII's sex discrimination prohibition).

⁸ NASSP, Position Statement on Transgender Students (2016).

⁹ See *Evans-Marshall v. Bd. of Educ. of Tipp City*, 624 F.3d 332, 334 (6th Cir. 2010).

¹⁰ *Id.* at 340 (internal quotation marks omitted).

¹¹ *Id.*

¹² *Lee v. York Cty. Sch. Div.*, 484 F.3d 687, 695 (4th Cir. 2007).

¹³ See *Kluge v. Brownsburg Cmty. Sch. Corp.*, 432 F. Supp. 3d 823, 839 (S.D. Ind. 2020); *Vlaming v. W. Point Sch. Bd.*, No. CL19-454 (Cir. Ct. King William Cty. Aug. 13, 2021).

¹⁴ 992 F.3d 492 (6th Cir. 2021)



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reaffirmed its prior holding that “the First Amendment does not extend to the in-class curricular speech of teachers in primary and secondary schools.”¹⁵

Similarly, while people may hold a variety of religious beliefs about transgender individuals, that does not authorize any public school teacher or staff to refuse to use the appropriate pronouns for a student in their care. So long as a policy requires all teachers and staff to follow the same requirements, it is neutral and generally applicable, and thus would be subject only to rational basis review under the Free Exercise Clause of the U.S. Constitution.¹⁶

This bill clearly seeks to enshrine discrimination against transgender citizens and we urge the House Judiciary Committee to give SB2231 a “Do Not Pass” recommendation.

Cody J. Schuler
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¹⁵ *Id.* at 505 n.1 (quoting *Evans-Marshall v. Bd. of Educ. of Tipp City*, 624 F.3d 332, 334 (6th Cir. 2010))

¹⁶ *See Emp. Div., Dep't of Hum. Res. of Oregon v. Smith*, 494 U.S. 872, 879 (1990).

House Judiciary Committee
SB2231
March 20, 2023
Leno District 30

Patricia A.

I am in favor of SB2231

I had to really think about what I believe to be truth in my personal belief system after hearing the testimonies of the trans-communities. I have quoted before the statement by Warren Wiersbe, Quote: "Truth without love is barbaric, and Love without truth is hypocrisy" end of quote. Because of these testimonies, and the ensuing conflict with my personal beliefs, I have come to this conclusion:

As a teacher, to make a decision on calling a student a pronoun that doesn't line up with their biological sex, it would be difficult for me. If I was forced to call a student a different pronoun, I would have to excuse myself from that position or quit my job in order not to go against my own beliefs. It is a difficult decision but one that I would have to take. I cannot compromise my belief that God created man and woman, and that a male can never be fully a female, and a female can never be fully a male. When reproductive abilities are distorted, damaged or eliminated, I feel our societies' human race is being destroyed. And I cannot condone that.

When children are forming their identity, I cannot agree to affirm pronouns different from their biological sex. To me, it's like helping them stay in that position over and over, and causing them to believe it even more. This would make a huge compromise in my own personal consciousness.

I relate to a letter that a Grandma sent to her transgender grandchild, which the grandchild read in a YouTube video called, [Amazing Response to Gender Confusion](#):

Quote: "got this letter from my grandma and it is addressed to miss Old Name. Not actually but you know I don't say my real name on the internet. (Next reading letter from her grandma) "Dearest dead name, on this our Blessed Mother's feast day, I am writing you to tell you that I will not address you as Mike. My decision is probably not a surprise to you. Others may comply with your request. My anguish and your chosen name and what that means has to do with your eternal soul. Know that I love you more than words could ever possibly convey to you. No matter how you decide to identify yourself does not change my deep love for you honey. Because of my concerns for your soul and your mental health, I'm spending more time with Jesus and adoration. The (my cousin's last names), are doing the same for you." End of quote.

So, I have a different faith than this grandmother but identify with how she feels about her grandchild. Is this grandmother hating her grandchild because the grandma won't accept the grandchild's preferred name? I think not! This is my constitutional right to believe in my personal belief system. Please pass SB2231. Thank you!

Senate Bill 2231

Chairman Klemin & Members of the House Judiciary Committee:

My name is Andrew Alexis Varvel.

I live in Bismarck.

My sex is male.

My preferred pronouns are rock/paper/scissors.¹

My xenogender identity² is Puff the Magic Dragon.³

I largely agree with Senate Bill 2231, but with two caveats.

On page two lines 8-9, please replace the words "if the policy is made in consultation with, and with the approval of," with "while fully informing".

-
- 1 I have been inspired by a middle school student who, referenced in a TikTok video by a perplexed teacher from early August 2022, insisted that his personal pronouns were "banana and rock". So, when referring to me in the third person one can say, "When talking about paper, committee members should remember how rock can express scissors opinions in a playful manner."
 - 2 Xenogender is often described as a gender identity which is beyond conventional understanding. A xenogender could be metaphorically described as "hallucinogenic mushroom", "sandworm", or the color green.
 - 3 Please note that, as a little boy, I received a Christmas present from Santa Claus. I also received Christmas presents from the Tooth Fairy, the Easter Bunny, and the Wicked Witch of the West. It wasn't completely serious.

On page two lines 14-15, please replace the words "consulted with, and received approval from," with "fully informed".

This proposed change is because neither the school district nor the Century Code should become a party to family quarrels.

Requiring parental permission on pronouns treats gender identity with much more gravity than it deserves, as if it had deep religious significance. So, if banana says rock pronouns are banana and rock, then rock pronouns are banana and rock.

I do understand the need to protect the rights of teachers, so I generally support this bill. These speech protections for teachers should also apply to students who express unorthodox gender identification. Although parents need to be fully informed about what is going on in their children's lives, let's not go overboard.

Gender identity ought to have an element of playfulness to it. Let's keep the sanctimony out of it. As a society, we should not get overly concerned whenever adolescents of all ages act like smart alecks. An eye roll will often work better than getting mad.

School needs its occasional levity. It needs a place for goofiness.

With the changes I am suggesting in this testimony, I think the Legislature can pass Senate Bill 2231 while showing that it gets the joke, rather than becoming the butt of the joke.

Thank you.

I oppose SB 2231. To vote in favor of it is to express hatred and disregard of a significant part of our population especially when you include the numbers of people that care about them and for them. It is to encourage hate crimes, bullying, and violence against transgender persons and their allies.

Citing proponents' discomfort in being told to consult people about their preferred pronouns and using THAT as the reason for proposing this legislation is showing very fragile egos and senses of self and problems of the proponents that go well beyond the supposed rationale for this bill. Other means for dealing with proponents' issues are needed. Empathy training is suggested.

I agree with the Human Rights Coalition's statements against the bill and repeat below the excerpts that I particularly agree with.

National research tells us that 75% of transgender youth feel unsafe at school and are more likely to miss school out of concern for their safety. The North Dakota Youth Risk Behavior Surveillance (YRBS) data from 2021 indicates that suicide ideation and attempts are disproportionately higher for LGBTQ.

Evidence is as follows: middle school students who ever seriously considered suicide: straight – 22%; LGB – 65%; Transgender – 74.7%. Middle school students who have ever attempted suicide: straight – 7.5%; LGB – 29.3%; Transgender – 46.3%.

Passing bills that directly or indirectly target LGB and specifically Transgender students only enhance this environment by further targeting them within schools and community.

These bills harm children and restrict our freedoms.

National research tells us that 75% of transgender youth feel unsafe at school and are more likely to miss school out of concern for their safety. The North Dakota Youth Risk Behavior Surveillance (YRBS) data from 2021 indicates that suicide ideation and attempts are disproportionately higher for LGBTQ.

Evidence is as follows: middle school students who ever seriously considered suicide:
straight – 22%; LGB – 65%; Transgender – 74.7%. Middle school students who have ever attempted suicide: straight – 7.5%; LGB – 29.3%; Transgender – 46.3%.
Passing bills that directly or indirectly target LGB and specifically Transgender students only enhances this environment by further targeting them within schools

and community.

SB 2231 intentionally and cruelly targets a population; represents government overreach; violates the right to free speech; and bans the use of best practices. It is a proven fact that use of preferred pronouns improves mental health and reduces suicidality.

No clear purpose for the legislation other than to harass and terrorize an already vulnerable population