

**2025 HOUSE EDUCATION**

**HB 1223**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau AB Room, State Capitol

HB 1223  
1/20/2025

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| Relating to the suspension and expulsion of kindergarten through grade twelve students |
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3:37 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

**Discussion Topics:**

- Expulsion of students
- Situational expulsions

3:38 p.m. Representative Jonas introduced the bill.

3:43 p.m. Amy De Kok, Director of ND School Boards Association, testified in favor and submitted testimony. #30289

4:02 p.m. Amiee Copas, Director ND Council of Educational Leaders, testified in favor and submitted testimony. #29985

4:08 p.m. Andrew Jordan, Super Intendent at Wilton Public School, testified in favor and submitted testimony. #30139

4:11 p.m. Vice Chairman Schreiber- Beck closed the hearing.

*Leah Kuball, Committee Clerk*



1 Testimony in Support of HB 1223 – Dealing with Student Expulsion

2 Chairperson and Members of the Committee,

3 NDCEL, representing your K12 school leaders is here today to express my support for House  
4 Bill 1223, dealing with student expulsion.

5 As school administrators, our foremost responsibility is to create a safe, supportive, and  
6 equitable learning environment for all students. Discipline policies must strike a balance  
7 between maintaining order and providing students with the necessary support to address  
8 underlying challenges that contribute to behavioral concerns. HB 1223 offers a measured  
9 approach to student discipline, emphasizing both accountability and compassion.

10 One of the critical aspects of this bill is the provision that allows school districts to consider  
11 the severity of infractions, the age of the student, and their disciplinary history when  
12 determining the duration of an expulsion. This ensures that disciplinary actions are not one-  
13 size-fits-all but instead tailored to the unique circumstances of each student. Additionally,  
14 the ability to review and potentially reduce the duration of expulsion upon satisfying  
15 reinstatement conditions provides students with a clear path toward redemption and  
16 reintegration into their educational community.

17 The bill also acknowledges the importance of addressing equity in discipline by ensuring that  
18 students from diverse backgrounds and circumstances are treated fairly and with  
19 consideration of their individual needs. The ability of the school board to differentiate  
20 between a student expelled early in the school year versus one expelled just weeks before  
21 the end of the term is critical in maintaining a fair and just disciplinary process. Schools must  
22 have the flexibility to provide support and interventions that align with the student's  
23 educational trajectory and future opportunities as well as their need for potential counseling  
24 or rehabilitation.

25 As administrators, we often see students who exhibit behaviors stemming from unmet social,  
26 emotional, or mental health needs. Suspension and expulsion, while sometimes necessary,  
27 should not be and is NOT the default response. Unless it is mandated by law as it is in the  
28 case of guns, it is our very last resort. HB 1223 provides an opportunity to ensure that during  
29 periods of suspension or expulsion, students have access to the resources and support they  
30 need to address the root causes of their behavior. This includes mental health services,

*NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education  
for all students in North Dakota.*

*Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoferz*



1 behavioral interventions, and academic support, which are critical to fostering long-term  
2 student success.

3 Furthermore, the bill's recognition of alternative education programs ensures that students  
4 who require a different educational setting are given the appropriate time and resources to  
5 succeed. Providing flexibility in the disciplinary timeline for these students allows schools to  
6 address their unique needs while maintaining high expectations for behavior and learning.

7 I appreciate the legislature's commitment to supporting both the safety of our schools and  
8 the well-being of our students. I urge you to support HB 1223, as it aligns with our shared  
9 goal of fostering a safe, inclusive, and compassionate learning environment for all North  
10 Dakota students.

11 Thank you for your time and consideration. I am happy to answer any questions the  
12 committee may have.

1 HB1223 - Suspension and Expulsion – by Andrew Jordan, Superintendent Wilton Public  
2 Schools

3 Chairperson and Members of the Committee,

4 I am providing written testimony in support of HB1223, a bill that amends and reenacts section  
5 15.1-19-09 of the North Dakota Century Code to ensure the suspension and expulsion processes  
6 for students in our schools are fair, supportive, and equitable.

7 As educators, community members, and parents, it is our shared responsibility to provide a safe,  
8 supportive, and equitable learning environment for all students. Schools are places where young  
9 people come to grow, learn, and thrive. To achieve this goal, our disciplinary measures must take  
10 into account the complexity of each situation, the individual student involved, and the severity of  
11 the behavior.

12 One example underscores the importance of this bill. In May 2023, two students in Wilton made  
13 the decision to sit in their truck before school and shoot airsoft guns at students walking into  
14 school. While no one was physically harmed, the emotional impact on students and the sense of  
15 fear that permeated the school community was significant. These actions caused significant  
16 disruption to the school environment and a deep sense of insecurity among students and staff.  
17 Although these students were expelled just three days before the end of the school year, a  
18 situation of this severity would clearly warrant a calendar-year expulsion based on the danger  
19 and fear it caused.

20 HB1223 allows districts to adopt rules that ensure procedural fairness while granting school  
21 boards the flexibility to consider factors such as the severity of the infraction, the age of the  
22 student, and their disciplinary history. This balanced approach allows us to address serious  
23 incidents like the one in Wilton, where the safety and well-being of the entire school community  
24 were put at risk, while also ensuring that minor infractions are not met with disproportionately  
25 harsh consequences.

26 We must also acknowledge the developmental nature of young people. Every student is capable  
27 of growth, and our discipline policies must reflect an understanding of this. By implementing  
28 conditions for reinstatement and periodically reviewing expulsions, we create pathways for  
29 students to return to the learning environment when they have demonstrated a readiness to do so.  
30 This approach balances accountability with compassion.

31 In conclusion, HB1223 is an essential step toward creating schools where all students feel safe,  
32 valued, and supported. It provides the structure and flexibility needed to address severe incidents  
33 appropriately while ensuring fairness and equity for all students. I urge you to support this bill to  
34 help us build a more just and secure educational environment for every student in North Dakota.

35 Thank you for your time and consideration.

25.1083.01000

Sixty-ninth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1223

Introduced by

Representatives Jonas, Heilman, Longmuir, Murphy, Richter, Hager

Senator Boschee

1 A BILL for an Act to amend and reenact section 15.1-19-09 of the North Dakota Century Code,  
2 relating to the suspension and expulsion of kindergarten through grade twelve students.

### 3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 **SECTION 1. AMENDMENT.** Section 15.1-19-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

#### 6 **15.1-19-09. Students - Suspension and expulsion - Rules.**

- 7 1. The board of a school district shall adopt rules regarding the suspension and  
8 expulsion of a student. The rules for expulsion must provide for a procedural due  
9 process hearing ~~in the manner provided for in~~ under subsection 2 of section  
10 15.1-19-10; before the determination to expel a student is made. A student's parent or  
11 representative must be allowed to participate in the expulsion hearing.
- 12 2. ~~A school district may suspend a student may be suspended~~ for up to ten days for  
13 insubordination, habitual indolence, disorderly conduct, or for violating a school district  
14 weapons policy.
- 15 3. ~~A school district may suspend a student who is~~ enrolled in an alternative education  
16 program for which state per student payments are available ~~may be suspended~~ for up  
17 to twenty days for insubordination, habitual indolence, disorderly conduct, or for  
18 violating a school district weapons policy.
- 19 4. ~~A school district may expel a student, including one enrolled in an alternative~~  
20 ~~education program, may be expelled from school~~ for up to twelve months for  
21 insubordination, habitual indolence, ~~or~~ disorderly conduct; ~~provided the expulsion does~~  
22 ~~not last beyond the termination of the current school year. A student who violates, or~~  
23 ~~for violating the school district's weapons policy~~ may be expelled for up to twelve  
24 months. The school district shall consider the severity of the infraction, the age of the

- 1 student, and the disciplinary history of the student to determine the duration of the
- 2 expulsion. If the student satisfies the conditions for reinstatement established by the
- 3 school district, if any, the school district may review and reduce the duration of the
- 4 expulsion. A student who violates the school district's weapons policy may be expelled in  
accordance with N.D.C.C. § 15.1-19-10.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1223  
1/22/2025

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|--|
| Relating to the suspension and expulsion of kindergarten through grade twelve students |
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3:00 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

### Discussion Topics:

- Committee Action

3:01 p.m. Representative Jonas moved to adopt amendment 25.1083.01001.

3:02 p.m. Representative Conmy seconded the motion.

| Representatives                       | Vote |
|---------------------------------------|------|
| Representative Pat D. Heinert         | Y    |
| Representative Cynthia Schreiber-Beck | Y    |
| Representative Liz Conmy              | Y    |
| Representative LaurieBeth Hager       | Y    |
| Representative Patrick R. Hatlestad   | Y    |
| Representative Dori Hauck             | Y    |
| Representative Matthew Heilman        | Y    |
| Representative Jim Jonas              | Y    |
| Representative Donald W. Longmuir     | Y    |
| Representative Roger A. Maki          | Y    |
| Representative Andrew Marschall       | Y    |
| Representative Desiree Morton         | Y    |
| Representative Anna S. Novak          | Y    |
| Representative Doug Osowski           | Y    |

Motion Carried: 14-0-0

3:02 p.m. Representative Jonas moved a Do Pass as amended.

3:03 p.m. Representative Osowski Seconded the motion



| <b>Representatives</b>                | <b>Vote</b> |
|---------------------------------------|-------------|
| Representative Pat D. Heinert         | Y           |
| Representative Cynthia Schreiber-Beck | Y           |
| Representative Liz Conmy              | Y           |
| Representative LaurieBeth Hager       | Y           |
| Representative Patrick R. Hatlestad   | Y           |
| Representative Dori Hauck             | Y           |
| Representative Matthew Heilman        | Y           |
| Representative Jim Jonas              | Y           |
| Representative Donald W. Longmuir     | Y           |
| Representative Roger A. Maki          | Y           |
| Representative Andrew Marschall       | Y           |
| Representative Desiree Morton         | Y           |
| Representative Anna S. Novak          | Y           |
| Representative Doug Osowski           | Y           |

Motion Carried: 14-0-0

Bill Carrier: Representative Morton

3:04 p.m. Chairman Heinert closed the hearing.

*Saydee Wahl for Leah Kuball, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**HOUSE BILL NO. 1223**

Introduced by

Representatives Jonas, Heilman, Longmuir, Murphy, Richter, Hager

Senator Boschee

*Jon* 1-23-25  
1 of 2

- 1 A BILL for an Act to amend and reenact section 15.1-19-09 of the North Dakota Century Code,  
2 relating to the suspension and expulsion of kindergarten through grade twelve students.

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

- 4 **SECTION 1. AMENDMENT.** Section 15.1-19-09 of the North Dakota Century Code is  
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8 expulsion of a student. The rules for expulsion must provide for a procedural due  
9 process hearing ~~in the manner provided for in~~ under subsection 2 of section  
10 15.1-19-10, before the determination to expel a student is made. A student's parent or  
11 representative must be allowed to participate in the expulsion hearing.
- 12 2. A school district may suspend a student ~~may be suspended~~ for up to ten days for  
13 insubordination, habitual indolence, disorderly conduct, or for violating a school district  
14 weapons policy.
- 15 3. A school district may suspend a student who is enrolled in an alternative education  
16 program for which state per student payments are available ~~may be suspended~~ for up  
17 to twenty days for insubordination, habitual indolence, disorderly conduct, or for  
18 violating a school district weapons policy.
- 19 4. A school district may expel a student, including one enrolled in an alternative  
20 education program, ~~may be expelled from school~~ for up to twelve months for

Jim 2022

1 insubordination, habitual indolence, or disorderly conduct; ~~provided the expulsion does~~  
2 ~~not last beyond the termination of the current school year. A student who violates, or~~  
3 ~~for violating the school district's weapons policy~~ may be expelled for up to twelve  
4 ~~months.~~ The school district shall consider the severity of the infraction, the age of the  
5 student, and the disciplinary history of the student to determine the duration of the  
6 expulsion. If the student satisfies the conditions for reinstatement established by the  
7 school district, if any, the school district may review and reduce the duration of the  
8 expulsion. A student who violates the school district's weapons policy may be expelled  
9 under section 15.1-19-10.

**REPORT OF STANDING COMMITTEE  
HB 1223**

**Education Committee (Rep. Heinert, Chairman)** recommends **AMENDMENTS** ([25.1083.01001](#)) and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar.

**2025 SENATE EDUCATION**

**HB 1223**

# 2025 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

HB 1223  
3/5/2025

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| Relating to the suspension and expulsion of kindergarten through grade twelve students. |
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9:30 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, and Wobbema.

Members Absent: Senator Gerhardt

## **Discussion Topics:**

- Calendar year vs. school year
- Total discretion of school district
- Flexibility to determine disciplinary action

9:30 a.m. Representative Jonas, District #13, introduced the bill.

9:37 a.m. Kevin Hoherz, Legislative Relations ND Council of Educational Leaders, testified in favor and submitted testimony #38805.

9:42 a.m. Brad Peterson, Legal Director ND Protection and Advocacy, testified in opposition.

## **Additional written testimony:**

Amy De Kok, Executive Director ND School Boards Association, submitted testimony in favor #38796.

Brenda Ruehl, Director Program Services ND Protection and Advocacy, submitted testimony in opposition #38763.

9:49 a.m. Chairman Beard closed the hearing.

*Susan Helbling, Committee Clerk*



# Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

[www.ndpanda.org](http://www.ndpanda.org)



Senate Education Committee

House Bill 1223 - March 5, 2025

Testimony of Brenda Ruehl, P&A Director Program Services

Greetings Chairman Beard and members of the Education Committee. My name is Brenda Ruehl and I'm a Program Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance 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.

P&A opposes this bill as school districts already have the authority under NDCC §15.1-19-09.4 to expel a student who violates the school district's weapons policy for up to twelve months. Additionally, NDCC §15.1-19-10.2 (b) requires a student who possesses a firearm in violation of this section to be expelled for at least one year. Schools already expel for the most serious violations of district policies: serious bodily harm, guns, knives (with a blade of five inches or more), and drugs.

School boards and districts need to continue having the flexibility to consider factors such as the severity of the infraction, the age of the student, and their disciplinary history in expulsions for the most serious incidents. A pathway for a balanced approach to address serious incidents that threaten school safety is already available in determining student discipline.

Students with disabilities who face a twelve-month expulsion will lose a year of in person special education, related services, social skills instruction and practice of those skills, and be completely isolated from their peer groups. COVID data shows students with disabilities have the largest learning gaps when virtual learning and/or packets of schoolwork are their only option for learning. Most families do not have a parent or other adult available to supervise, engage the student in virtual learning or provide for a consistent structured learning environment at home. This method of learning is not effective for students with disabilities and result in students not wanting to return to school, end up dropping out, and do not ever graduate. Without a high school diploma the student has little chance of becoming a productive tax paying adult and instead are more likely to become involved in the juvenile and adult justice system.

Of additional concern is the language within this bill. SB1223 allows for expulsion and removal of any

child for indolence. The noun indolence means a habit of laziness, especially when avoiding work. This is a very vague term which will actively encourage unnecessary legal proceedings. Students should not be expelled for indolence and certainly not for up to a year. If a student is indolent and a school district can somehow how prove it, the student's actions that caused the expulsion will be reinforced and rewarded.

P&A opposes the bill in its current form; however if it is the wish of the committee to pass SB 1223 we request the words, "habitual indolence" be stricken from line 21.

Thank you for your time and consideration.

Brenda Ruehl  
Director of Program Services  
bruehl@nd.gov





**NDSBA**  
**NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION**

1224 West Owens Avenue  
Bismarck ND 58501  
1-800-932-8791 • (701)255-4127  
[www.ndsba.org](http://www.ndsba.org)

**HB 1223**  
**Testimony of Amy De Kok**  
**Senate Education Committee**  
**March 5, 2025**

Chairman Beard and members of the Senate Education Committee, my name is Amy De Kok, and I am the Executive Director for the North Dakota School Boards Association (NDSBA). NDSBA represents all 168 public school districts and their governing boards. I am here in support of HB 1223, which provides school districts with the ability to expel a student for up to a full calendar year in cases of serious misconduct.

Under current North Dakota law, a student may only be expelled through the end of the academic year, except in cases involving possession of a firearm on school property, which requires expulsion for up to a year. This limitation can pose challenges for school districts, particularly when a student engages in egregious misconduct near the end of the school year. Without the ability to impose an appropriate consequence extending into the following academic year, schools may struggle to maintain a safe and secure learning environment.

HB 1223 addresses this issue by granting school districts the flexibility to extend expulsions for up to twelve months. This change ensures that schools are equipped with the necessary disciplinary tools to respond effectively to serious infractions, regardless of when they occur in the academic calendar. The bill also upholds due process protections by requiring a hearing before an expulsion decision is made, ensuring fairness for students and families.

The severity of certain student behaviors—such as acts of violence, repeated threats, or severe disruptions—demands a response that prioritizes school safety and the well-being of students and staff. By allowing districts to consider factors such as the severity of the offense, the student’s age, and disciplinary history, HB 1223 ensures that expulsion decisions are made thoughtfully and proportionally.

Ultimately, this bill does not mandate extended expulsions but rather empowers local school boards to make decisions that best serve their communities. Flexibility is key in ensuring that disciplinary policies reflect the unique circumstances of each case while maintaining the integrity of our schools.

I respectfully urge this committee to give HB 1223 a Do Pass recommendation. Thank you for your time and consideration, and I am happy to answer any questions you may have.



## Testimony in Support of HB 1223 – Dealing with Student Expulsion

Chairperson and Members of the Committee,

NDCEL, representing your K12 school leaders is here today to express my support for House Bill 1223, dealing with student expulsion.

As school administrators, our foremost responsibility is to create a safe, supportive, and equitable learning environment for all students. Discipline policies must strike a balance between maintaining order and providing students with the necessary support to address underlying challenges that contribute to behavioral concerns. HB 1223 offers a measured approach to student discipline, emphasizing both accountability and compassion.

One of the critical aspects of this bill is the provision that allows school districts to consider the severity of infractions, the age of the student, and their disciplinary history when determining the duration of an expulsion. This ensures that disciplinary actions are not one-size-fits-all but instead tailored to the unique circumstances of each student. Additionally, the ability to review and potentially reduce the duration of expulsion upon satisfying reinstatement conditions provides students with a clear path toward redemption and reintegration into their educational community.

The bill also acknowledges the importance of addressing equity in discipline by ensuring that students from diverse backgrounds and circumstances are treated fairly and with consideration of their individual needs. The ability of the school board to differentiate between a student expelled early in the school year versus one expelled just weeks before the end of the term is critical in maintaining a fair and just disciplinary process. Schools must have the flexibility to provide support and interventions that align with the student's educational trajectory and future opportunities as well as their need for potential counseling or rehabilitation.

As administrators, we often see students who exhibit behaviors stemming from unmet social, emotional, or mental health needs. Suspension and expulsion, while sometimes necessary, should not be and is NOT the default response. Unless it is mandated by law as it is in the case of guns, it is our very last resort. HB 1223 provides an opportunity to ensure that during periods of suspension or expulsion, students have



access to the resources and support they need to address the root causes of their behavior. This includes mental health services, behavioral interventions, and academic support, which are critical to fostering long-term student success.

Furthermore, the bill's recognition of alternative education programs ensures that students who require a different educational setting are given the appropriate time and resources to succeed. Providing flexibility in the disciplinary timeline for these students allows schools to address their unique needs while maintaining high expectations for behavior and learning.

I appreciate the legislature's commitment to supporting both the safety of our schools and the well-being of our students. I urge you to support HB 1223, as it aligns with our shared goal of fostering a safe, inclusive, and compassionate learning environment for all North Dakota students.

Thank you for your time and consideration. I am happy to answer any questions the committee may have.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Education Committee Room JW216, State Capitol

HB 1223  
4/1/2025

|   |
|---|
| Relating to the suspension and expulsion of kindergarten through grade twelve students. |
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2:57 p.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt and Wobbema.

### Discussion Topics:

- Committee Action

3:00 p.m. Senator Wobbema moved Do Pass.

3:00 p.m. Senator Lemm seconded the motion.

| Senators                | Vote |
|-------------------------|------|
| Senator Todd Beard      | Y    |
| Senator Randy D. Lemm   | Y    |
| Senator Michelle Axtman | Y    |
| Senator Josh Boschee    | Y    |
| Senator Justin Gerhardt | Y    |
| Senator Mike Wobbema    | Y    |

Motion Passed 6-0-0

Senator Lemm will carry the bill.

3:03 p.m. Chairman Beard closed the hearing.

*Susan Helbling, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1223 ([25.1083.02000](#))**

**Education Committee (Sen. Beard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1223 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.