

2025 HOUSE EDUCATION

HB 1247

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1247
1/22/2025

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| Relating to protection of a student victim of sexual assault. |
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11:00 a.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:

- Safety plans
- Juvenile language
- Clarification of language
- School safety plans

11:00 a.m. Daniel Johnston, Former Representative, introduced the bill.

11:08 a.m. Alexis Dion, ND Resident, testified in favor and submitted testimony. #30675

11:22 a.m. KrisAnn Norby- Jahner, Legal Counsel ND School Boards Association, testified in favor and submitted testimony. #30543

11:32 a.m. Travis Finck, Director, ND Commission on Legal Counsel for indigents, testified in opposition.

Additional written testimony:

Paula Vistad, ND Resident, submitted testimony in favor. #30296

Richard LaFleur, ND Resident, submitted testimony in favor. #30338

Leslie LaFleur, ND Resident, submitted testimony in favor. #30625

Lynn Thompson, ND Resident, submitted testimony in favor. #30541

Dane Johansen, ND Resident, submitted testimony in favor. #30639

Jacob Thompson, Policy Analyst, ND Family Alliance Legislative Action, submitted testimony in favor. #30676

11:42 a.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

January 18, 2025

Kathy Frelich
State Capital
Bismarck, ND 58505

RE: HB1247 Relating to protection of a student victim of sexual assault

Dear: Assembly Members, Senators, and Representative's:

My name is Paula Vistad, I recently retired after ten years as Devils Lakes Executive Director of the Chamber of Commerce. A job I took very seriously, but there is no job taken more seriously than that of a parent.

My husband, Kevin and I have been residents in the Devils Lake area for over 43 years. We have owned a business and raised our two beautiful children in the Devils Lake area.

I strongly support HB1247. Students and families across the county struggle with the devastating impact of sexual harassment and sexual violence. Yet in many cases, victims don't even acknowledge that they've been sexually harassed/assaulted. That's because victims have come to accept sexual harassment as normal and sexual assault as their fault.

In addition several school districts will use their power to shut down complaints to avoid being sued after failing to respond appropriately to reported sexual harassment and sexual assault. Whether the harassment/assault occurred at school, on the internet, or in another location, every student should be guaranteed an equal education free of sexual harassment and gender discrimination.

Parents are shocked when they learn how school districts put liability and reputation ahead of students' well-being.

The districts should listen to its students and provide survivor services and sexual education....but I ask, "What are they doing to prevent sexual assault from happening in the first place?"

Schools need to increase education on sexual assault, bystander intervention and the cultural norms that encourage sexual violence. The time is now to invest in the safety of students and prevent such a preventable tragedy.

Paula Vistad
Concerned Citizen

Chairman Heinert

Members of the House Education Committee

I am writing in support of HB 1247, an issue which addresses the rights and safety of our schools in relation to sexual assault.

“First and foremost, the safety and well-being of a student sexual assault victim must remain a top priority. Allowing a juvenile sex offender to attend the same school as their victim creates an environment of fear and anxiety for the victim which further compounds the trauma they have already endured. Schools are meant to be safe spaces for learning and growth.”

“Additionally, placing both individuals in the same school environment could escalate tensions, disrupt the school community, and potentially lead to additional harmful incidents.

“I urge the committee to consider policies which mandate alternative educational arrangements for juvenile offenders in such cases. This ensures the victim can attend school without fear while providing the offender access to education and rehabilitation in a way that minimizes risk and at the same time promotes accountability.” The burden of an assault is a major lifelong impact for the victim as well as having far reaching repercussions which need to be addressed to minimize impacts and promote prevention.

“Finally, I encourage the committee to consider proactive measures, such as enhanced counseling, restorative justice programs, and better coordination between schools and the juvenile justice system, to address these situations effectively.

“This issue impacts the broader school community. I respectfully urge the committee to adopt HB 1247 that prioritizes the safety, dignity, and future of all students.”

HB 1247 offers a firm stance on protecting the victim.

Thank you for your time today.

Richard LaFleur

Devils Lake, ND

Support for House Bill 1247

Ensuring Safety and Dignity for Victims of Sexual Assault

The issue of sexual assault within educational institutions is one of grave concern, affecting not only the victims but also the broader school community. House Bill 1247 seeks to address a critical aspect of this issue by ensuring that no student who has been a victim of sexual assault by another student is forced to attend school with the "convicted student." This measure is not only a matter of justice but also one of safety, dignity, and psychological well-being.

Promoting a Safe Educational Environment

Education is a fundamental right, and every student deserves to pursue their studies in an environment that is safe and supportive. Allowing a convicted student to remain in the same school as their victim undermines this principle, creating an atmosphere of fear and discomfort. House Bill 1247 seeks to uphold the integrity of the educational environment by removing convicted students from the school, thereby allowing victims to regain a sense of normalcy and security.

Addressing the Needs of All Students

While the primary focus of House Bill 1247 is on the victims of sexual assault, it also considers the broader student body. The presence of a convicted assailant can have a ripple effect, causing unease and concern among other students and parents. By implementing this bill, schools can foster a climate of trust and safety, reassuring all stakeholders that the institution takes the issue of sexual assault seriously and is committed to protecting its students.



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1247

Testimony of KrisAn Norby-Jahner
House Education
January 22, 2025

Chair Heinert and members of the House Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today with neutral testimony on HB 1247 if amendments are incorporated to ensure compliance with other intersecting state and federal laws that may apply.

The NDSBA supports efforts to guide school districts in complying with court orders and ensuring the safety and well-being of all students. However, requiring the permanent removal (or separation) of a convicted student who resides within a school district raises a number of intersecting legal challenges.

The first recommended amendment we present begins on page 1, line 14 (in proposed N.D.C.C. § 15.1-19 (2)), where the language states, “A convicted student may not attend the same school as the victim of sexual assault committed by the convicted student.” This language would provide a challenge for public school districts where the law requires school districts to educate all students residing in-district. School districts cannot legally require students to open enroll in other school districts (as governed by N.D.C.C. ch. 15.1-31), nor can they require non-resident school districts to accept and enter into nonresident tuition agreements (as governed by N.D.C.C. ch. 15.1-29). Many public school districts throughout North Dakota also do not have other “schools” or buildings to which convicted students may be transferred. Therefore, our first amendment recommends a requirement that school districts develop a safety plan that provides for no contact with the victim and proper separation in school buildings and educational activities as identified in the next subsection.

Our second recommended amendments on pages 1-2, lines 16 and following (in proposed N.D.C.C. § 15.1-19 (3)) would outline the requirements of that safety plan. In subsection (a), a school district can be required to hold an expulsion hearing in compliance with due process procedures when timelines under the law allow, but a school district cannot lawfully be required to expel a student without constitutional due process. Under federal and state law, a student cannot be suspended or removed from school for more than 10 days without holding a due process hearing, which requires advanced notice and a fair and impartial hearing

at which the student must be allowed representation and an opportunity to confront evidence before a hearing officer makes a decision regarding expulsion. This means that the window to hold an expulsion hearing is very small. There would be additional considerations and legal requirements if a convicted student were receiving services under federal special education laws. Therefore, this amendment includes language to ensure legal compliance with those expulsion hearing requirements.

In subsection (c), a school district could be required to transfer a convicted student to another school if there were another school available within the school district. However, our amendment would provide flexibility for a school district to also transfer a convicted student to another “building” within a school district that may not be identified as a traditional “school,” but where alternative instruction and supports could be provided.

Finally, we would recommend an additional subsection (d) to address circumstances where a school district only has one school building for K-12 education and instruction. Those schools should be afforded the flexibility to develop no-contact separation and safety plans, using the resources that are available within their district.

Based on the foregoing reasons, NDSBA asks this Committee to work on HB 1247 to incorporate amendments that will ensure state and federal law compliance. Thank you for your time.

HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of sexual assault.

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

- 4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Student sexual assault - Victim protection.**

7 1. As used in this section:

8 a. "Convicted student" means a student enrolled in a school who is adjudicated or
9 convicted of committing sexual assault upon another student enrolled in the
10 same school.

11 b. "Sexual assault" means a nonconsensual offense under chapter 12.1-20 for
12 which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an
13 element.

14 2. A convicted student ~~may not attend~~ enrolled in the same school as the victim of sexual
assault committed by the convicted student ~~must adhere to a safety plan developed by~~
the school district that provides for no contact with the victim and proper separation in
school buildings and educational activities as identified in this section.

15 3. A school shall ensure a ~~safety plan is developed for a~~ convicted student ~~that includes,~~
~~but is not limited to:~~ ~~is not present at the school by:~~

16 a. ~~Expelling-Holding an expulsion hearing for a~~ convicted student ~~in compliance with -~~
~~due process procedures when timelines under the law allow and for a time~~
~~period not to exceed those allowed under N.D.C.C. § 15.1-19-09;~~

17 b. Transferring a convicted student to an alternative education program, which may
18 include virtual education; ~~or~~

19 c. Transferring a convicted student to another school ~~or building within the school~~
~~district; or~~

- 20 d. Separating the convicted student from the victim at all times in school buildings and
educational activities when transferring the convicted student is not possible.
- 21 4. Upon adjudication or conviction of a convicted student, a court shall provide the school
22 in which the convicted student is enrolled with notice of the court's findings that are
23 relevant under this section.

Chairman Heinert and Members of the House of Education Committee

I am writing in support of HB 1247. Convicted juvenile sex offenders should not be allowed in the same school as their victim. Doing so creates a culture of unpredictability and unrelenting fear. In order to learn, students need to feel safe. They deserve to feel safe and have secure and clear protections that help reduce the amount of disruption they have already experienced in their learning environments. This bill would go a long way in ensuring these protections for children.

Thank you,
Leslie LaFleur

Chairman Heinert and Members of the House of Education Committee

I am writing in support of HB 1247. Children deserve to be educated in an environment that ensures their safety and wellbeing. Victims of sexual assault should not be forced to confront their abusers, especially not at school. This legislation would help ensure that all children can feel safe from abuse, assault, and trauma while at school.

Thank you,
Dane Johansen

Chairman Heinert and members of the Education Committee, thank you for the opportunity to speak today in support of House Bill 1247. I am here on behalf of my daughter. She has given me permission to share her story with you. I wish that no parent would have to stand up here and advocate for sexual assault victims due to personal experience. The crimes committed against our daughter were premeditated, calculated, and violent causing severe traumatization to her as well as our entire family. As parents supporting the healing process of a sexual assault survivor, we found our voices to be pertinent to her recovery and now see the importance in not only speaking up for her but helping future victims by addressing shortfalls that we've discovered through our journey, which is not over.

We've always been a very close-knit family and have always supported each other. As such, we had many preparatory conversations with our daughter about entering high school in August of 2023 and the responsibilities that come along with it. She was excited and smart, had good friends, was involved in activities, participated in school functions, and enrolled in AP courses. She had goals for her future and plans for how she wanted to impact our world positively. However, by the end of October 2023, just 6 weeks into the school year, her life had permanently changed. She had been groomed and manipulated by a classmate, received multiple threats from him, and had been sexually assaulted. The threats and talk of the assaults were found in text messages from her attacker. Also found in a message from her was talk about suicide because of the way the assault made her feel; this is a familiar feeling in victims of sexual assault. In a matter of six weeks, she went from happy, kind, and motivated to scared, confused, ashamed, angry, anxious, and depressed. She had lost her appetite, experienced self-blame, was having flashbacks, and ultimately ended up suffering from PTSD. The side effects she experienced from the assault are not uncommon. 40% of sexual assault victims end up suffering from PTSD.

Our daughter had a couple of classes with her offender at school. He selected her and then took time to get to know what she enjoyed and who and what was important to her. Eventually, the tone of their conversations began to change. Once he knew that he held power over her, he began working on manipulating her so that she felt that she had no choice but to comply. He developed a very complex narrative to get her to do what he wanted. He told her he had received a dare, and if she didn't do the dare with him, he would have to carry out a consequence. He told her that if she asked for help, whom ever she told would be harmed—all an elaborate lie to scare my daughter into performing sexual acts with him. There were a total of 4 dares, and each dare went further in sexual nature, as did the violence connected to the consequences. 1) He would have to kill one of his animals. 2) He would have to kill our four dogs, skin them, and leave them on our front porch. 3) She and her brother were being followed and would be hurt. 4) He would have to kill her. Throughout these dares and assaults, he stole her voice, her choice, her dignity, sense of safety, security, self-worth, joy, independence, and the light from her eyes vanished. He had broken her.

In the after-effects of this nightmare, our lives became very unpredictable. My husband and I reached out to professionals in the community to get the help and support we knew she needed.

I brought her to SAAF, we called and met with her pediatrician many times, and we established services with a therapist.

Our daughter struggled to cope with the trauma that she had experienced, as many victims do, and it impacted every part of her life. There were numerous days when she wouldn't get out of bed in the morning. If she made it to school, we never knew how long she would be able to remain at school and in class – it was a common occurrence for her to walk out and sit in the office. Many days, we had to call into work to let them know that we weren't going to make it in, and there were times we had to leave at a moment's notice if she called in a panic from school as she was suffering from incredibly high levels of anxiety and flashbacks. On other days, she would try to go to school and, on the way, experience such panic that she would ask to see her pediatrician. For the rest of her freshman year, she had a tough time being in loud and chaotic/unorganized situations. If a classroom felt crowded, she panicked and had to leave. She has always been a good student, but she struggled to complete certain assignments due to the after-effects of her experience. She had been a straight-A student for years, and while her grades were still important to her, she struggled with anything that required memorization, organization, planning, and preparation.

In addition to the impacts on her academics, every other area of her life was also affected. Some days, she relived the assaults multiple times. When going anywhere, she now identified all her exits as she entered rooms/buildings. Her relationships suffered because she became depressed and withdrawn after being assaulted. Before the threats and assaults, she never wanted to miss school or activities. Now, she would sit in the car and cry when we arrived for school, her activities, or church. She no longer enjoyed attending school events. For months after the assaults, we would see a clenched face lacking emotion.

The lasting injuries from sexual assault are invisible to almost everyone who is not the victim. These injuries do not follow a prescribed timeline for healing, such as the time required for a broken bone. Instead, the scope and severity of the lasting effects of sexual abuse can be life long. One major determining factor is exposure to the individual who committed the assault. Protection orders can prevent the victim and offender from being scheduled in the same class, but do not guarantee that a minimum distance will be kept between a victim and their offender while at school. It is possible that a victim would have to pass their offender while in the hall, at lunch, going to or from the parking lot, or during other unstructured times. The thought of this causes her physical symptoms of illness as well as immeasurable panic and fear. Where else is a victim expected to possibly face their attacker on a daily basis - why of all places should it be a school where children are spending the majority of their day? Victims have already experienced the unimaginable and should not be expected to continue to face retraumatization.

When a victim has been brave enough to report what happened and follow through with the court process, their assaults should be done. Sadly, this is not the case. Many experience multiple instances of revictimization, as our daughter did, including at school. She had not asked to be sexually assaulted or threatened. As a victim she had her choice stolen from her. Is she also losing her right to a public education in a safe and supportive learning environment? Is she

faced with having to change schools, losing her friends and teachers who have supported her by promoting her healing and growth? She had not committed any crimes, yet as a victim, she is the one being punished. How much more can a victim lose? We are supposed to protect the children. Students convicted of sexual assault should not be able to continue to negatively impact their victims. Victims should be given the opportunity to receive an education free of their offender. An alternative education program could be an option for a convicted offender, as long as it is not in the same building where the victim attends classes. As soon as the convicted offender is on the same grounds as the victim; the victim will experience heightened levels of anxiety, feel unsafe, and have their education adversely affected.

I am sharing this with you today because North Dakota currently lacks legal protections for student survivors of sexual assault in school settings. The public education system in North Dakota already has so much on its plate, including being responsible for the social and emotional development of all children in North Dakota. How can we expect schools to manage violent criminal offenders while keeping all other students and staff safe? Our administrators, teachers, and support staff do not have a degree in criminal justice. All students' safety and emotional well-being should be the top priority of any educational environment. When one student has been victimized by another, especially in such a traumatic manner, it severely hinders the survivor's ability to feel safe, secure, and supported at school. Allowing the offender to continue attending the same school poses an undue risk to the victim's mental and emotional health. It could also harm the overall atmosphere of trust and safety necessary for all students to thrive.

While every victim's story is unique, common will threads exist. All victims need to heal and should have the right to attend school without fearing for their safety or losing their support system. Our current laws do not offer victims a fair chance of overcoming their trauma to work towards a thriving future. I never thought I would be standing in front of a legislative committee advocating for the rights of sexual assault victims. With that in mind, we do not know who will need this same support at the end of today, next week, or next year. I do know that victims need the opportunity to become survivors. This is only possible with the change that you, our 69th legislative assembly, can implement. Please support House Bill 1247 with a yes vote. Thank you for your time and consideration.

Alexis Dion



Testimony in Support of House Bill 1247

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 22, 2025

Chairman Heinert and honorable members of the House Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1247 and respectfully request that you would render a "DO PASS" on this bill.

Sexual assault is a serious offense against the dignity of a victim. Because of this, it would be terribly difficult for a victim to have to see their offender on a daily basis in a place like a school. In North Dakota, the chances of an occurrence of contact between a victim and an offender in the same school are rather high due to our generally small school populations and campuses.

A school is a place that ought to be a place of learning, not a place where someone should fear contact with their offender and the risk of being assaulted again. This bill rightly and justly makes it so that the victim of a sexual assault does not have to live in that fear while in school. For these reasons, North Dakota Family Alliance Legislative Action respectfully requests a "DO PASS" on House Bill 1247.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1247
1/29/2025

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| Relating to protection of a student victim of sexual assault. |
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11:07 a.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

11:13 a.m. Representative Heilman moved to adopt amendment #30543 from previous meeting.

11:13 a.m. Representative Hauck 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

11:15 a.m. Representative Morton moved to adopt proposed amendments. On line 8 identifying 'adjudicated juvenal' and identifying that the State's Attorney should be the person that notifies the schools of a conviction. #30543

11:15 a.m. Representative Novak 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

11:16 a.m. Representative Hager proposed adding the word 'building' to the bill.

11:16 a.m. Representative Jonas seconded the motion.

| Representatives | Vote |
|---------------------------------------|-------------|
| Representative Pat D. Heinert | N |
| 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 | N |
| Representative Jim Jonas | Y |
| Representative Donald W. Longmuir | N |
| Representative Roger A. Maki | N |
| Representative Andrew Marschall | N |
| Representative Desiree Morton | N |
| Representative Anna S. Novak | N |
| Representative Doug Osowski | N |

Motion failed: 6-8-0

11:27 a.m. Chairman Heinert adjourned the meeting.

Leah Kuball, Committee Clerk

January 29, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

JB 1-29-25
1062

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of sexual assault.

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

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5 and enacted as follows:

6 **Student sexual assault - Victim protection.**

7 **1. As used in this section:**

8 **a. "Convicted student" means a student enrolled in a school who is a juvenile**
9 **adjudicated delinquent or an adult convicted of committing sexual assault upon**
10 **another student enrolled in the same school.**

11 **b. "Sexual assault" means a nonconsensual offense under chapter 12.1-20 for**
12 **which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an**
13 **element.**

14 **2. A convicted student may not attend enrolled in the same school as the victim of sexual**
15 **assault committed by the convicted student shall adhere to a safety plan developed by**
16 **the school district providing for:**

17 **a. No contact with the victim; and**

18 **b. Proper separation in school buildings and educational activities.**

19 **3. A school shall ensure a develop a safety plan for a convicted student is not present at**
20 **the school by that includes:**

Am 2 of 2

- 1 a. ~~Expelling~~ Holding an expulsion hearing for a convicted student that grants
- 2 procedural due process to the student as provided by law and within the time
- 3 period prescribed under section 15.1-19-09;
- 4 b. Transferring a convicted student to an alternative education program, which may
- 5 include virtual education; ~~or~~
- 6 c. Transferring a convicted student to another school or building within the school
- 7 district; or
- 8 d. Separating the convicted student from the victim at all times in school buildings
- 9 and educational activities when transferring the convicted student is not possible.
- 10 4. Upon adjudication or conviction of a convicted student, ~~a court~~ the state's attorney shall
- 11 provide the school in which the convicted student is enrolled with notice of the court's
- 12 findings that are relevant under this section.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1247
1/29/2025

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|---|
| Relating to protection of a student victim of sexual assault. |
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4:12 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

4:13 p.m. Representative Conmy moved a Do Pass as amended. LC# 25.0807.01001

4:13 p.m. Representative Morton 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

Bill Carrier: Representative Maki

2:15 p.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

**REPORT OF STANDING COMMITTEE
HB 1247**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** ([25.0807.01001](#)) and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1247 was placed on the Sixth order on the calendar.

2025 SENATE EDUCATION

HB 1247

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1247
3/5/2025

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|---|
| Relating to protection of a student victim of sexual assault. |
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10:00 a.m. Chairman Beard called the hearing to order.

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

Discussion Topics:

- Victim rights
- Unseen injury/trauma
- Flexible School Safety Plan
- Expulsion time frames
- Update language of bill
- Social support for victim and offender

10:00 a.m. Representative D. Johnston, District #24, introduced the bill.

10:02 a.m. Alexis Dion, parent of victim, testified in favor and submitted testimony #38869.

10:17 a.m. KrisAnn Norby-Jahner, In-House Legal Counsel ND School Boards Association, testified in favor and submitted testimony #38670.

10:26 a.m. Greg Kasowski, Executive Director Children's Advocacy Centers of ND, testified in favor and submitted testimony #38692.

10:36 a.m. Rick LeFuer, Devils Lake ND, testified in favor.

10:37 a.m. Lynn Flieth, Director RSR Human Resource Zone, testified in opposition and submitted testimony #38750.

10:45 a.m. Cathy Ferderer, ND Court System, testified neutral and submitted testimony #38660.

10:49 a.m. Derek Steiner, Cass County Assistant States Attorney, testified neutral.

10:53 a.m. Kevin Hoherz, Legislative Relations ND Council of Educational Leaders, testified neutral.

Additional written testimony:

Jacob Thomsen, Policy Analyst ND Family Alliance Legislative Action, submitted testimony in favor #38712

10:56 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

House Bill 1247
Senate Education Committee
Testimony Presented by Cathy Ferderer
March 5, 2025

Good morning, Chairman Beard and members of the committee. My name is Cathy Ferderer, and I am the Director of Juvenile and Family Services with the State Court Administrator's Office. As part of that role, I oversee the policy and practice of the juvenile courts for the North Dakota Court System. I am here today to offer an amendment to House Bill 1247.

When considering the proposed bill, the juvenile court worked with Mr. Derek Steiner of the Fargo State's Attorney's Office to discuss implementing this legislation. We would like to offer the following amendments to assist in successfully implementing the legislative intent. In section 4, lines 7-9, we propose adding the language, "the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or designee of the school district." The juvenile court currently has the authority to share information with schools upon request; this proposed language would modify that practice. We also clarified that in adult cases, as some students have reached age 18 prior to graduation, it would be the responsibility of the state's attorney's office because the juvenile court would no longer have jurisdiction. Lines 9-10 clarify that the juvenile court would share the dispositional order, and the state's attorney's office

would share the judgment; this aligns the language with the current language. Line 11 clarifies that the victim's information may be shared with the victim's consent. Our experience is that not all victims may want their information shared with the school. Finally, we add a reference to section 27-20.2-21 of the Juvenile Court Act, which addresses the inspection of court files and records.

I appreciate your consideration and am happy to answer any questions you may have.

PROPOSED AMENDMENTS TO**ENGROSSED HOUSE BILL NO. 1247****FIRST ENGROSSMENT**

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of sexual assault.

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

- 4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Student sexual assault - Victim protection.**

7 **1. As used in this section:**

- 8 **a. "Convicted student" means a student enrolled in a school who is a juvenile**
9 **adjudicated delinquent or an adult convicted of committing sexual assault upon**
10 **another student enrolled in the same school.**
11 **b. "Sexual assault" means a nonconsensual offense under chapter 12.1-20 for**
12 **which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an**
13 **element.**

14 **2. A convicted student enrolled in the same school as the victim of sexual assault shall**
15 **adhere to a safety plan developed by the school district providing for:**

- 16 **a. No contact with the victim; and**
17 **b. Proper separation in school buildings and educational activities.**

18 **3. A school shall develop a safety plan for a convicted student that includes:**

- 19 **a. Holding an expulsion hearing for a convicted student that grants procedural due**
20 **process to the student as provided by law and within the time period prescribed**
21 **under section 15.1-19-09;**

- 1 b. Transferring a convicted student to an alternative education program, which may
- 2 include virtual education;
- 3 c. Transferring a convicted student to another school or building within the school
- 4 district; or
- 5 d. Separating the convicted student from the victim at all times in school buildings
- 6 and educational activities when transferring the convicted student is not possible.
- 7 4. Upon adjudication or conviction of a convicted student, ~~the juvenile court in a juvenile~~
- 8 case or the state's attorney in an adult case shall provide the superintendent or
- 9 designee of the school district in which the convicted student is enrolled with ~~notice of~~
- 10 ~~the court's findings that are relevant under this section~~ a copy of the order of
- 11 disposition or judgment and, upon consent of the victim, the victim's name. Any
- 12 records provided under this section remain confidential as provided in section 27-20.2-
- 13 21.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1247

**Testimony of KrisAnn Norby-Jahner
Senate Education
March 5, 2025**

Chair Beard and members of the Senate Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today with testimony in support of this current version of HB 1247, which ensures compliance with other intersecting state and federal laws that may apply.

The NDSBA supports efforts to guide school districts in complying with court orders and ensuring the safety and well-being of all students. When testifying on this bill in the House Education Committee, we provided specific amendments to assist in navigating the intersecting legal challenges with ensuring a careful balance between victim protection and ensuring due process rights are followed for students accused or potentially convicted of criminal acts. The amendments we presented and that are currently incorporated in HB 1247, include requirements that school districts:

- Develop a “safety plan” that provides for no contact and proper separation in school buildings and educational activities.
- Hold expulsion hearings in compliance with due process procedures and legal requirements.
- Have the option to transfer convicted students to another school or building within the district.
- Separate students when transferring is not possible.

As currently drafted, HB 1247 ensures that school districts abide by state law, which requires a public education to be provided to all students residing in-district. School districts cannot legally require students to open enroll in other school districts (as governed by N.D.C.C. ch. 15.1-31), nor can they require non-resident school districts to accept and enter into nonresident tuition agreements (as governed by N.D.C.C. ch. 15.1-29). In addition, many public school districts throughout North Dakota also do not have other schools or buildings to which convicted students may be transferred. Therefore, the “safety plan” language strikes a balance by requiring “no contact”/ proper separation in school buildings and educational activities, while also ensuring that all students receive a public education.

The safety plan would also require a school district to hold an expulsion hearing for a convicted student only in compliance with due process procedures when timelines under the law allow and for a time period not to exceed those allowed under the law. This revision was important to ensure that a school district is not automatically required to expel a student without constitutional due process. A student cannot be suspended or removed from school for more than 10 days without holding a due process hearing (and a manifestation determination for students with special education services), which requires advanced notice and a fair and impartial hearing at which the student must be allowed representation and an opportunity to confront evidence before a hearing officer makes a decision regarding expulsion.

Finally, the current language of HB 1247 properly addresses circumstances in which a school district might not have multiple schools within its district. Subsection (2)(c) provides flexibility for a school district to transfer a convicted student to another “building” within a school district that may not be identified as a traditional “school,” but where alternative instruction and supports could be provided. Subsection (2)(d) addresses circumstances where a school district only has one school building for K-12 education and instruction. Those schools need flexibility to develop no-contact separation and safety plans, using the resources that are available within their district.

Our only other recommendations on HB 1247 might be to consult with entities specializing in criminal law, including the [ND Commission on Legal Counsel for Indigents](#), which provided testimony in House Education that subsection 4 could create issues under [Marsy’s Law](#) with the release victim information to schools. I would defer to those groups and attorneys who specialize in criminal law for guidance in potentially amending subsection 4, which currently would require the state’s attorney to provide the school information related to victim students and adjudicated delinquents. It may be more appropriate for information regarding no contact orders and adjudications to be provided directly by parents/ guardians or eligible students directly. The ND Commission for Legal Counsel of Indigents also pointed out that the proper term to use in this proposed law would be “adjudicated delinquent” when referring to juvenile students, rather than “convicted student.”

Overall, based on the foregoing reasons, NDSBA recommends that this Committee issue a **do pass** recommendation on HB 1247. Thank you for your time.

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff, VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to protection of a student victim of a sexual ~~assault~~ offense.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Student sexual ~~assault~~ offense - Victim protection.**1. As used in this section:**

a. "~~Convicted student~~Responsible student" means a student enrolled in a school who is an ~~juvenile~~ adjudicated ~~delinquent juvenile~~ or an adult convicted of committing a sexual ~~offense assault~~ upon another student enrolled in the same school.

b. "Sexual ~~assault~~offense" means an ~~nonconsensual~~ offense under chapter 12.1-20 for which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an element. ~~It also includes offenses under 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.~~

2. A ~~responsible~~~~convicted student~~ enrolled in the same school as the victim ~~of sexual assault~~ shall adhere to a safety plan. ~~developed by the school district providing for:~~

~~a. No contact with the victim; and~~

~~b. Proper separation in school buildings and educational activities;~~

3. ~~The~~A school shall develop a safety plan ~~for a convicted student that~~ includes:

~~a. Consideration of the victim's input~~

~~b. No contact between the responsible student and the victim~~

~~ac.~~ Holding an expulsion hearing for a the responsible ~~convicted student~~ that grants procedural due process to the ~~responsible~~ student as provided by law and within

the time period prescribed under section 15.1-19-09. Offenses categorized as misdemeanors shall be subject to review before triggering an expulsion hearing;

bd. Transferring a ~~responsible convicted~~ student to an alternative education program, which may include virtual education, provided there is proper supervision of the responsible student;

ee. Transferring a ~~responsible convicted~~ student to another school or building within the school district; or

df. Separating the ~~responsible convicted~~ student from the victim at all times in school buildings and educational activities when transferring the ~~responsible convicted~~ student is not possible.

g. Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.

h. Other measures as deemed appropriate by the school administration to ensure safety of the victim.

4. The school shall determine the duration of any separation that results from the safety plan based on:

a. The victim's input and well-being;

b. The responsible student's age at the time of adjudication or conviction;

c. The nature and severity of the offense;

d. The responsible student's compliance with recommended intervention programs;

e. The input of the victim or responsible student's legal guardian or custodian, child welfare and mental health professionals, legal representatives, or other factors.

5. A victim or the victim's legal guardian or custodian may request a review of the safety plan, including modification or removal of restrictions.

4.6. Upon adjudication or conviction of a ~~responsible convicted~~ student, the state's attorney shall provide the school in which the ~~responsible convicted~~ student is enrolled with notice of the court's findings that are relevant under this section.



CHILDREN'S ADVOCACY CENTERS OF NORTH DAKOTA

Senate Education

Testimony in Favor of House Bill 1247

March 5, 2025

Chairman Beard, members of the Senate Education Committee, my name is Greg Kasowski, executive director of the Children's Advocacy Centers of North Dakota. There are 10 cities across North Dakota with a Children's Advocacy Center where we serve victims of child abuse and maltreatment. Our annual report is attached to the bottom of this testimony.

We stand in support of HB 1247 with the proposed amendments below that aim to better serve both the student victim and student offender.

Section name - sexual ~~assault~~ offense

Research shows that non-contact sexual offenses can be similarly traumatic to contact sexual offenses.¹ Thus, we would recommend using the term "sexual offense" rather than "sexual assault."

1a - "~~Convicted student~~ Responsible student"

"Convicted student" doesn't work well to include both convicted adults and adjudicated delinquents. Instead, we recommend the phrase "responsible student." Other options include "acting student" or "offending student."

1b - "Sexual ~~assault~~ offense" means an an ~~nonconsensual~~ offense under chapter

The word "nonconsensual" seems unnecessary since an element of the crime would be that it's nonconsensual.

1b - It also includes offenses under 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

Related to changing the term to "sexual offense," we would recommend expanding the list of offenses to include these non-contact sexual offenses:

¹ Landolt, Markus A., et al. "The Harm of Contact and Non-Contact Sexual Abuse: Health-Related Quality of Life and Mental Health in a Population Sample of Swiss Adolescents." *Psychotherapy and Psychosomatics*, vol. 85, no. 5, 2016, pp. 320-322.

- Corruption or solicitation of minors (12.1-20-05)
- Luring minors by computer or other electronic means (12.1-20-05.1)
- Indecent exposure (12.1-20-12.1)
- Surreptitious intrusion (12.1-20-12.2)
- Sexual extortion (12.1-20-12.3)

1a - ~~an juvenile adjudicated delinquent juvenile~~

The phrase “a juvenile adjudicated delinquent” would be more concisely written as “an adjudicated juvenile” (or “an adjudicated delinquent”).

2 - ~~A responsible convicted student enrolled in the same school as the victim of sexual assault shall adhere to a safety plan. developed by the school district providing for:~~

This sentence could be written more concisely by saying, “A responsible student enrolled in the same school as the victim shall adhere to a safety plan.”

2a - ~~a. No contact with the victim; and~~

This could be moved down to section 3.

2b - ~~b. Proper separation in school buildings and educational activities.~~

This could be removed since it is already addressed in section 3.

3 - ~~The~~A school shall develop a safety plan ~~for a convicted student~~ that includes:

The phrase “for a convicted student” could be removed since the safety plan would be for both the victim and the responsible student.

3a - Consideration of the victim’s input

We would recommend the consideration of input from the victim. The current bill does not allow for the victim’s input into the safety plan. As it reads, the school alone dictates decisions about the safety plan. The victim’s choice and control is either not allowed or is not specified. Victims often complain that the school doesn’t include them, doesn’t believe them, or doesn’t care.

3b - No contact between the responsible student and the victim

We recommend moving 2a down here.

3c - Offenses categorized as misdemeanors shall be subject to review before triggering an expulsion hearing:

We recommend adding this exception as required expulsion hearings may be too punitive for certain low-level offenses such as misdemeanors.

3d - provided there is proper supervision of the responsible student:

The endorsement of virtual education, where the responsible student has consistent access to the Internet without proper supervision, has the potential to lead to further victimization—not only of the original victim but also future victims. Research suggests that removing kids from sources of connection and social support (like school, school activities) increases risk for future recidivism.² Proper intervention with the responsible student would prevent future re-offending.

Evidence-based interventions exist for youth who exhibit problematic sexual behavior, and there is a correspondingly strong likelihood that the offending behavior can be corrected.

At the very least, we recommend a statement about how there should be proper supervision of the responsible student when in virtual learning.

3g - Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.

Missing from the original bill is anything related to a timeframe that specifies how long the expulsion, safety plan, or virtual learning would last after adjudication or conviction. The victim and their family would benefit from that information being communicated so they know what to expect. For example, would an individual adjudicated at 12 years old be separated in a different school or virtual learning for one year, two years, or until graduation? The safety plan may need to be consistently updated based on where students will be physically located each semester.

3h Other measures as deemed appropriate by the school administration to ensure safety of the victim.

This may be a helpful provision for schools to allow flexibility for other measures they may deem appropriate for the safety plan.

4 - New section that addresses the timeline of the safety plan

This new section would address the durational component necessary for the

² Chaffin, Mark. "Children With Sexual Behavior Problems and Juvenile Sex Offenders: Our Minds Are Made Up—Don't Confuse Us With the Facts: Commentary on Policies Concerning." *Child Maltreatment*, vol. 13, no. 2, 2008, pp. 110.

separation of the victim and responsible student. It should include (a) input from the victim; while taking into account (b) the responsible student's age at the time of adjudication or conviction; (c) the nature and severity of the offense; (d) the responsible student's compliance with recommended intervention programs; and (e) input from legal guardians or custodians of the victim and responsible student, child welfare and mental health professionals, legal representatives, or other factors.

5 - New section that addresses situations where relationships have been mended

Oftentimes there are situations where relationships have been mended and all parties would like to move on. For example, this commonly occurs in situations where the victim and responsible student live in the same home. Last year, our Children's Advocacy Centers served 48 victims who resided in the same home with their minor alleged offender. It would benefit the committee to keep this not uncommon situation in mind when considering how this bill might affect certain North Dakota families.

Mr. Chairman, thank you for the opportunity to testify today, and I will stand for any questions.

Sincerely,

Greg Kasowski
Executive Director



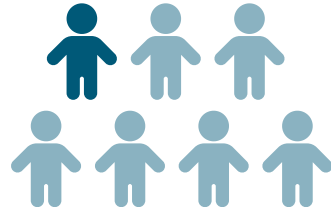
ANNUAL REPORT



2024



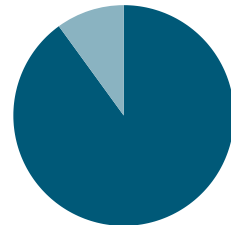
THE ISSUE OF **CHILD ABUSE**



**1 IN 7 CHILDREN EXPERIENCED
CHILD ABUSE AND NEGLECT IN
THE LAST YEAR**



**ESTIMATED KIDS IN NORTH DAKOTA
WHO EXPERIENCED CHILD ABUSE
AND NEGLECT LAST YEAR**



**90%+ OF CHILD
VICTIMS KNOW AND
TRUST THEIR ABUSER**



**MOST CHILD VICTIMS
DELAY OR NEVER DISCLOSE
CHILD SEXUAL ABUSE**



WHAT IS A **CHILDREN'S ADVOCACY**

A Safe, Child-Friendly Place for Forensic Interviews

Highly trained professionals, guided by evidence-based research and trauma informed principles, allow kids to share their story of abuse.

Wraparound Mental Health and Medical Services for Victims

Trained professionals interview children, guided by evidence based research and trauma informed principles to ensure every child has an opportunity to share their story.

A Coordinated, Multi-Disciplinary Team Response to Child Abuse

Law enforcement, child protective services, mental health, medical, prosecution, and advocacy collaborate to provide compassionate care.

“

As a police officer, we rely heavily on the child-centered approach and expertise of Children's Advocacy Centers.

-North Dakota Police Officer

”



CENTER



Before CACs children had to tell the worst story of their life over and over again to social workers, nurses, law enforcement, lawyers, therapists, investigators, etc.



With CACs children only need to tell their story once to a trained interviewer who knows the right questions to ask in a way that does not retraumatize the child.

WHAT SERVICES CACs OFFER

Total number of services for all Children's Advocacy Centers in North Dakota in 2024

3,153

Total Number of Individuals Served

1,921

Total Number of Children Served

1,109

Forensic Interviews

Highly trained professionals, guided by research and best practices, ask age-appropriate questions to gather evidence and allow kids to share their story of abuse.

27,401

Victim Advocacy

With a compassionate, listening ear, advocates provide needed support, resources, referrals, and information—from the first day, throughout the court process, and beyond.

7,458

Mental Health

Trauma-informed, evidenced-based therapists offer in-person and telehealth counseling to combat the emotional effects of child abuse.

362

Medical Services

Trained medical professionals ensure the health and safety of children while identifying any evidence of sexual or physical abuse. These medical services are referred out to our partners.

573

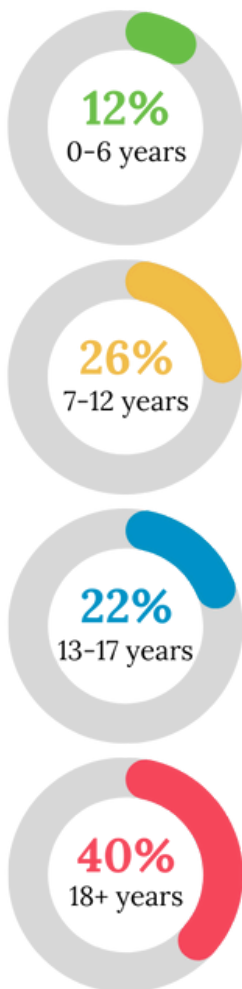
Multidisciplinary Team

Law enforcement, human services, prosecutors, mental health, forensic interviewers, victim advocates, and medical professionals gathered to provide a collaborative response to cases of child abuse.



WHO CACs SERVE

Age of Individuals Served



Type of Abuse

Sexual Abuse

53%



Physical Abuse

17%



Other Abuse

26%



Neglect

4%



Male

32%



Female

68%

Race & Ethnicity

58%
Caucasian

20%
Native American

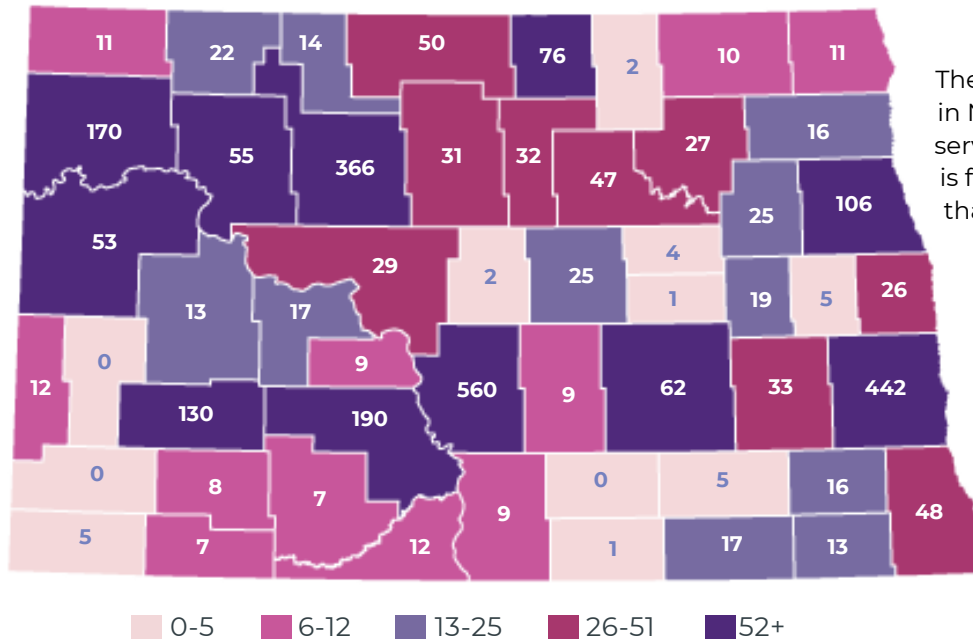
9%
None Identified

4%
African American

This year's report on Children's Advocacy Centers provides a glimpse into the reality of child sexual abuse and other forms of maltreatment in our state. While our Children's Advocacy Centers' staff's tireless efforts have provided crucial support and services to countless children and families, the numbers underscore the urgent need for continued intervention, prevention, and community awareness.

WHERE CACs SERVE

Children served by county



The number of children impacted by abuse in North Dakota is much higher than those served by Children's Advocacy Centers. This is for a variety of reasons including the fact that only 16% of child sexual abuse victims disclose the abuse.

Münzer et al. (2016)
Collin-Vézina et al. (2015)
Foster & Hagedorn (2014)
Sorsoli et al. (2008)

Our state's 3 Children's Advocacy Centers operate in 11 locations, serving all 53 counties and 5 Tribal nations.



Fargo | Grand Forks | Devils Lake
www.rrcac.org



Minot | Stanley | Bottineau
www.northernplainscac.org



Bismarck | Dickinson | Watford City
Standing Rock | Jamestown
www.dakotacac.org

“

The Children's Advocacy Center is completely victim centered. Kids who are abused have a story to tell and the CAC offers that safe space.

”

Steph Wieland,
Buffalo Bridges Human Service Zone

THE EFFICACY OF THE CAC MODEL

\$2.4 million

**Lifetime Cost for Each Victim of
Child Abuse or Neglect in the U.S.**

Due to increased medical and mental health costs, risky behaviors, and reduced productivity



\$87,528

**Yearly Cost for Each Victim of Child
Abuse and Neglect in the U.S.**

\$663

**Amount Saved for Every \$1 Spent
on a Children's Advocacy Center**

Peterson. Economic Burden of Health Conditions Associated With Adverse Childhood Experiences Among US Adults. JAMA Netw Open. Published December 06, 2023. doi:10.1001/jamanetworkopen.2023.46323
Gelles, R. J., & Perlman, S. (Eds.). (2012). Estimated annual cost of child abuse and neglect. Office of Justice Programs. Amount adjusted for inflation. Maryland Children's Alliance, 2021

What Caregivers Are Saying

This has been very stressful and hard on our family. I am so thankful the CAC is listening and helping us.

Mental health therapy at the CAC has saved my daughter's life and our relationship.

I brought my daughter to the CAC after she disclosed trauma. Her therapy sessions have been successful and now we can move forward as a family and establish healing for all of us.

How CACs Are Funded



Federal
Grants



State
Grants



Donations



Community
Foundations



Third-Party
Payments



Testimony in Support of House Bill 1247

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
March 5, 2025

Chairman Beard and honorable members of the Senate Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1247 and respectfully request that you would render a "DO PASS" on this bill.

Sexual assault is a serious offense against the dignity of a victim. Because of this, it would be terribly difficult for a victim to have to see their offender on a daily basis in a place like a school. In North Dakota, the chances of an occurrence of contact between a victim and an offender in the same school are rather high due to our generally small school populations and campuses.

A school is a place that ought to be a place of learning, not a place where someone should fear contact with their offender and the risk of being assaulted again. This bill rightly and justly makes it so that the victim of a sexual assault does not have to live in that fear while in school. For these reasons, North Dakota Family Alliance Legislative Action respectfully requests a "DO PASS" on House Bill 1247.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action



Testimony Prepared for the
Senate Education Committee

March 5, 2025

By: Lynn Flieth, RSR Human Service Zone Director

RE: HB 1247: Relating to protection of a student victim of sexual assault

Chair Beard, and members of the Senate Education Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition to HB 1247, as it is currently written.

Human Service Zones are mandated to provide economic assistance and child welfare services, including child protection, foster care, in home case management as well as receive CHINS (Child In Need of Services) referrals. Human Service Zone Directors are also the legal custodian to children in public custody. These youth are most frequently victims of abuse or neglect themselves, whose own history of trauma may cause mental and behavioral health difficulties. Other children in public custody, of either Human Service Zones or the Division of Juvenile Services, have committed crimes and have exceptionally complex needs. The goals of treatment and rehabilitation are centered around ensuring the safety of the youth, their family, and the community. Whether these youth are victims of crimes, offenders, or both, legal custodians are charged with meeting their medical, behavioral health, physical health, educational, and privacy needs. House Bill 1247 presents significant challenges to meeting these needs.

HB 1247 proposes to ensure that a student convicted of sexual assault is not present at the school, under the premises of protecting student victims. The bill proposes that a school shall ensure a convicted student is not present at the school by a.) Expelling a convicted student; b.) transferring a convicted student to an alternative education program, including virtual option; or 3.) transferring a convicted student to another school. As the potential custodians for youth who may have been adjudicated in juvenile court for committing a sexual assault, the use of expulsion creates a significant burden in meeting a student's educational needs. While we recognize the importance of victims rights and need for support, the offending student is also a child in North Dakota who is afforded the right to an education.

Expulsion as a consequence will also pose challenges for students and their families in rural school districts, who do not have another school "right down the street" to transfer to. The school district may not have the staff or fiscal resources to provide alternative education or transportation, which leaves expulsion as a potentially more desirable option. Expulsion from school is a very serious and significant action, and is strongly associated with negatives outcomes, including dropping out of school entirely, which can increase the likelihood of recidivism. A student record including expulsion additionally creates future barriers to receiving an education elsewhere. While a juvenile criminal record is and remains sealed, an expulsion on a student's record will follow them the remainder of their life. The goal of our juvenile court system is to primarily provide treatment and rehabilitation to youth.

As the legal custodians of youth who may be impacted by this bill, our mandate to meet a child's educational needs may be severely hindered. Currently when there are questions about the best educational placement for a youth in public custody, the Human Service Zones, and the school district Foster Care Liaison, meet to explore options and educational needs of the student to make a best determination decision. We would request that continuing this process be reflected in this bill for any youth in public custody.

Furthermore, my understanding is that current law does allow the court to issue a restraining order to protect a victim, and that situations are addressed on a case by case basis to ensure appropriate victim protections and administration of justice. This complies with due process standards, and we support the appropriate use of restraining and protection orders to protect victims. When a protection or restraining order necessitates that a student offender transfer to a new school, or participates in an at-home program, we support that as well.

This bill in current form is limited to victims of sexual assault, however there are other types of crimes committed by juveniles in which similar measures of victim protection could be warranted. There are also considerations where the victim and perpetrator may reside in the same household. Representatives from the Children's Advocacy Center have submitted suggested amendments for the committee's consideration, which the Human Service Zone Directors do strongly support.

Our opposition to HB 1247 is not intended to diminish the rights of student victims to receive safe education. Rather, we are in favor of administering juvenile justice with integrity which includes the protection of victims and rehabilitative efforts for juvenile offenders, increasing the likelihood of success in adulthood. If HB 1247 does move forward, we request amendments that ensure compliance with victim privacy rights, and alignment with restorative justice goals for juvenile offenders. We also ask for amendments to reflect and affirm coordination with local safety-planning experts, such as the Children's Advocacy Centers, local domestic violence advocates, and the legal custodians of impacted students.

Thank you for your consideration of my testimony. I stand for questions from the committee.

3/5/25

Chairman Beard and members of the Senate Education Committee, thank you for the opportunity to speak today in support of House Bill 1247. I am here on behalf of my daughter who has given me permission to share her story with you. The crimes committed against our daughter were premeditated, calculated, and violent causing severe traumatization to her as well as our entire family.

As our daughter prepared to enter her first year of high school, she was excited, had good friends, was involved in activities, participated in school functions, and enrolled in AP courses. She had goals and plans for her future. However, by the end of October her life had permanently changed. She had been groomed and manipulated by a classmate. She had received multiple threats from him, and had been sexually assaulted. The threats and talk of the assaults were found in text messages from her attacker. Also found in a message from her was talk about suicide because of the way the assault made her feel; this is not uncommon in victims of sexual assault. In a matter of six weeks, she went from being happy, kind, and motivated to scared, confused, ashamed, angry, anxious, and depressed. She had lost her appetite, experienced self-blame, was having flashbacks, and ultimately ended up suffering from PTSD. Many victims experience these same side effects. 40% of sexual assault victims end up suffering from PTSD.

Our daughter had a couple of classes with her offender at school. He selected her and then took time to get to know what she enjoyed and who and what was important to her. Eventually, the tone of their conversations began to change. Once he knew that he held power over her, he began working on manipulating her so that she felt that she had no choice but to comply. He developed a very complex narrative to get her to do what he wanted. He told her he had received a dare, and if she didn't do the dare with him, he would have to carry out a consequence. He told her that if she asked for help, whom ever she told would be harmed—all an elaborate lie to scare my daughter into performing sexual acts with him. There were a total of 4 dares, and each dare went further in sexual nature, as did the violence connected to the consequences. The first consequence: 1) He would have to kill one of his animals. 2) He would have to kill our dogs, skin them, and leave them on our front porch. 3) She and her brother were being followed and would be hurt. 4) He would have to kill her. Throughout these dares and assaults, he stole her voice, her choice, her dignity, sense of safety, security, self-worth, her joy, independence, and the light from her eyes vanished. He had broken her.

In the after-effects of this nightmare, our lives became very unpredictable. My husband and I reached out to professionals in the community to get the help and support we knew she needed. Regardless of the professional support, our daughter struggled to cope with the trauma that she had experienced, as many victims do, and it impacted every part of her life. There were numerous days when she wouldn't get out of bed in the morning. If she made it to school, we never knew how long she would be able to remain at school and in class – it was a common occurrence for her to walk out and sit in the office. Many days, we had to call into work to let them know that we weren't going to make it in, and there were times we had to leave at a

moment's notice if she called in a panic from school as she was suffering from incredibly high levels of anxiety and flashbacks. On other days, she would try to go to school and, on the way, experience such panic that she would ask to see her pediatrician. For the rest of her freshman year, she had a tough time being in loud and chaotic/unorganized situations. If a classroom felt crowded, she panicked and had to leave. She has always been a good student, but she struggled to complete certain assignments due to the after-effects of her experience. She had been a straight-A student for years, and while her grades were still important to her, she now struggled with anything that required memorization, organization, planning, and preparation.

In addition to the impacts on her academics, every other area of her life was also affected. Some days, she relived the assaults multiple times. When going anywhere, she now identified all her exits as she entered rooms/buildings. Her relationships suffered because she became depressed and withdrawn after being assaulted. Before the threats and assaults, she never wanted to miss school or activities. Now, she would sit in the car and cry when we arrived for school, her activities, or church. For months after the assaults, we would see a clenched face lacking emotion.

The lasting injuries and trauma from sexual assault are invisible to almost everyone who is not the victim. These injuries do not follow a prescribed timeline for healing, such as the time required for a broken bone. Instead, the scope and severity of the lasting effects of sexual abuse can be life long. One major determining factor is exposure to the individual who committed the assault. Protection orders can prevent the victim and offender from being scheduled in the same class, but in our experience did not guarantee that a minimum distance would be kept between the victim and their offender while at school. It is possible that a victim would have to pass their offender while in the hall, at lunch, going to or from the parking lot, or during other unstructured times. The thought of this caused her physical symptoms of illness as well as immeasurable panic and fear. Where else is a victim expected to possibly face their attacker on a daily basis - why of all places should it be a school where children are spending the majority of their day? How is she expected to learn and thrive in this environment? I can tell you that as an adult, I couldn't do it. We cannot expect a child to.

When a victim has been brave enough to report what happened and follow through with the court process, their assaults should be done. Sadly, this is not the case. Many experience multiple instances of revictimization, as our daughter did, including at school. She had not asked to be sexually assaulted or threatened. As a victim she had her choice stolen from her. Is she also losing her right to a public education in a safe and supportive learning environment? Is she faced with having to change schools, switching to online classes, and losing her friends and teachers who have supported her by promoting her healing and growth? She had not committed any crimes, but as the victim, she is the one being punished. How much more can a victim lose?

Students convicted of sexual assault should not be able to continue to negatively impact their victims. Victims should be given the opportunity to receive an education free of their offender. An alternative education program could be an option for a convicted offender, as long as it is not in the same building(s) where the victim attends classes. As soon as the convicted offender is

on the same grounds as the victim; the victim will experience heightened levels of anxiety, will feel unsafe, and have their education adversely affected. A victim's educational opportunities should not be narrowed nor should additional attention be brought upon the victim by any measures put in place by a safety plan. Safety plans should ensure zero contact at all times, this should include line of sight as well to prevent intimidation and fear.

I am sharing this with you today because North Dakota currently lacks protections for student survivors of sexual assault in school settings. The public education system in North Dakota already has so much on its plate, including being responsible for the social and emotional development of all children in North Dakota. How can we expect schools to manage violent criminal offenders while keeping all other students and staff safe? Student criminal offenders can be convicted of some of the most severe crimes and still be allowed to return to the same school as their victim. In this scenario, the victim is receiving a cruel punishment.

Our administrators, teachers, and support staff do not have a degree in criminal justice. All students' safety and emotional well-being should be the top priority of any educational environment. When one student has been victimized by another, especially in such a traumatic manner, it severely hinders the survivor's ability to feel safe, secure, and supported at school. Allowing the offender to continue attending the same school building poses an undue risk to the victim's mental and emotional health. It could also harm the overall atmosphere of trust and safety necessary for all students to thrive.

While details of our daughter's story may be unique, the aftermath of healing and returning the victim and offender to the same school environment are not. All victims need to heal and should have the right to attend school without fearing for their safety or losing their support system. Our current laws do not offer victims a fair chance of overcoming their trauma to work towards a thriving future. I never thought I would be standing in front of a legislative committee advocating for the rights of sexual assault victims. With that in mind, we do not know who will need this same support at the end of today, next week, or next year. I do know that victims need and deserve the opportunity to become survivors. This is only possible with the change that you, our 69th legislative assembly, can implement. Please support House Bill 1247 with a yes vote. Thank you for your time and consideration.

Alexis Dion

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1247
4/1/2025

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| Relating to protection of a student victim of sexual assault. |
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3:03 p.m. Chairman Beard called the hearing to order.

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

Discussion Topics:

- Assault to offense
- Convicted to responsible student
- Victim and offender separation

3:04 p.m. Senator Wobbema introduced a possible amendment testimony #44539 and answered committee questions.

3:37 p.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

25.0807.02001
Title.

Prepared by the Legislative Council
staff for Senator Wobbema
March 25, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
2 Century Code, relating to protection of a student victim of a sexual ~~assault~~ offense.

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

- 4 **SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Student sexual ~~assault~~ offense - Victim protection.**

- 7 1. As used in this section:

8 a. "~~Convicted~~ Responsible student" means a student enrolled in a school who is ~~a~~ an
9 ~~adjudicated~~ juvenile ~~adjudicated delinquent~~ or an adult convicted of committing a
10 sexual ~~assault~~ offense upon another student enrolled in the same school.

11 b. "Sexual ~~assault~~ offense" means a ~~nonconsensual~~ an offense under chapter
12 12.1-20 for which "sexual act" or "sexual contact", as defined in section
13 12.1-20-02, is an element and the offenses under sections 12.1-20-05,
14 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

- 15 2. A ~~convicted~~ responsible student enrolled in the same school as the victim of sexual
16 ~~assault~~ shall adhere to a safety plan developed by the school district providing
17 for which may include:

18 a. Consideration of the victim's input.

19 b. No contact with ~~between the responsible student and the victim; and~~

20 ~~b. Proper separation in school buildings and educational activities.~~

1 ~~3. A school shall develop a safety plan for a convicted student that includes:~~

2 ~~a-c. Holding an expulsion hearing for a convicted~~ the responsible student that which
3 grants procedural due process to the responsible student as provided by law and
4 within the time period prescribed under section 15.1-19-09; For a misdemeanor
5 offense, before holding an expulsion hearing, school administration shall review
6 the offense to determine whether an expulsion hearing is warranted.

7 ~~b-d. Transferring a convicted~~ responsible student to an alternative education program,
8 which may include virtual education; if the responsible student is properly
9 supervised.

10 ~~e-e. Transferring a convicted~~ responsible student to another school or building within
11 the school district; or.

12 ~~e-f. Separating the convicted~~ responsible student from the victim at all times in school
13 buildings and educational activities when, if transferring the convicted student is
14 not possible;.

15 g. Scheduled reviews of the safety plan to assess necessary adjustments and
16 ensure continued safety of the victim.

17 h. Other measures school administration deems appropriate to ensure the safety of
18 the victim.

19 ~~4.3.~~ The school shall determine the duration of a separation resulting from the safety plan
20 based on:

21 a. The victim's input and well-being;

22 b. The responsible student's age at the time of adjudication or conviction;

23 c. The nature and severity of the offense;

24 d. The responsible student's compliance with recommended intervention programs;

25 e. The input of the victim or responsible student's legal guardian or custodian, child
26 welfare and mental health professionals, and legal representatives; and

27 f. Other factors school administration deems appropriate.

28 ~~4.~~ A victim or the victim's legal guardian or custodian may request a review of the safety
29 plan, including modification or removal of restrictions.

30 ~~5.~~ Upon adjudication or conviction of a convicted responsible student, the juvenile court in
31 a juvenile case or the state's attorney in an adult case shall provide the superintendent

1 or designee of the school district in which the convicted responsible student is enrolled
2 with notice of the court's findings that are relevant a copy of the order of disposition or
3 judgment and, upon consent of the victim, the victim's name. A record provided under
4 this section is confidential under section 27-20.2-21.

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

HB 1247
4/2/2025

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|---|
| Relating to protection of a student victim of sexual assault. |
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3:22 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

3:22 p.m. Chairman Beard opened the hearing up for discussion.

3:24 p.m. Senator Axtman moved Do Pass.

3:24 p.m. Senator Lemm seconded the motion.

3:24 p.m. Senator Axtman rescinded her motion.

3:28 p.m. Senator Wobbema moved Amendment LC #25.0807.02001.

3:28 p.m. Senator Axtman 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

3:29 p.m. Senator Wobbema moved Do Pass as amended.

3:29 p.m. Senator Axtman 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 |

Senate Education Committee

HB 1247

4/02/2025

Page 2

Motion Passed 6-0-0

Senator Wobbema will carry the bill.

3:32 p.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

CO
9/2/25
1043

ENGROSSED HOUSE BILL NO. 1247

Introduced by

Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner, Wolff,
VanWinkle

Senators Myrdal, Wobbema, Paulson, Cory

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota
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14 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

- 15 2. A ~~convicted~~ responsible student enrolled in the same school as the victim of sexual
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- 18 a. Consideration of the victim's input.

- 19 b. No contact ~~with~~ between the responsible student and the victim; ~~and~~

- 20 ~~b. Proper separation in school buildings and educational activities.~~

1 ~~3. A school shall develop a safety plan for a convicted student that includes:~~

2 ~~a.c.~~ Holding an expulsion hearing for ~~a convicted~~ the responsible student ~~that~~ which
3 grants procedural due process to the responsible student as provided by law and
4 within the time period prescribed under section 15.1-19-09;. ~~For a misdemeanor~~
5 ~~offense, before holding an expulsion hearing, school administration shall review~~
6 ~~the offense to determine whether an expulsion hearing is warranted.~~

7 ~~b.d.~~ Transferring a ~~convicted~~ responsible student to an alternative education program,
8 which may include virtual education; ~~if the responsible student is properly~~
9 ~~supervised.~~

10 ~~e.e.~~ Transferring a ~~convicted~~ responsible student to another school or building within
11 the school district; ~~or.~~

12 ~~d.f.~~ Separating the ~~convicted~~ responsible student from the victim at all times in school
13 buildings and educational activities ~~when, if transferring the convicted responsible~~
14 ~~student is not possible;.~~

15 ~~g.~~ Scheduled reviews of the safety plan to assess necessary adjustments and
16 ensure continued safety of the victim.

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18 the victim.

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23 ~~c.~~ The nature and severity of the offense;

24 ~~d.~~ The responsible student's compliance with recommended intervention programs;

25 ~~e.~~ The input of the victim or responsible student's legal guardian or custodian, child
26 welfare and mental health professionals, and legal representatives; and

27 ~~f.~~ Other factors school administration deems appropriate.

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29 plan, including modification or removal of restrictions.

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1 or designee of the school district in which the convicted responsible student is enrolled
2 with ~~notice of the court's findings that are relevant~~ a copy of the order of disposition or
3 judgment and, upon consent of the victim, the victim's name. A record provided under
4 this section is confidential under section 27-20.2-21.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1247**

Education Committee (Sen. Beard, Chairman) recommends **AMENDMENTS** ([25.0807.02001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1247 was placed on the Sixth order on the calendar. This bill does not affect workforce development.