

**2025 HOUSE EDUCATION**

**HB 1288**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1288  
1/22/2025

Relating to review of public-school compliance with state law
---

11:43 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:

- Relation to the Attorney general
- School Board Meetings
- Complaints Filed
- State and Federal law differences

11:43 a.m. Representative Nering introduced the bill.

11:53 a.m. Travis Zablotney, ND Resident, testified in favor.

11:57 a.m. Allyson Hicks, Assistant Attorney General, testified in opposition and submitted testimony. #30750

12:03 p.m. Amy De Kok, Director of the ND School Boards Association, testified in opposition and submitted testimony. #30674

12:09 p.m. Dr. Paul Stremick, NDSSC, testified in opposition and submitted testimony. #30781

12:18 p.m. Dr. Amiee Copas, Executive Director NDCEL, testified in opposition and submitted testimony. #30700

12:21 p.m. Chairman Heinert adjourned the meeting.

*Leah Kuball, Committee Clerk*



**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 1288**  
**Testimony of Amy De Kok**  
**House Education**  
**January 22, 2025**

Chairman Heinert and members of the House Education Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am providing this testimony in opposition to HB 1288. HB 1288 introduces a mechanism for any “interested person” to request a review of public school compliance with education-related statutes. While accountability is essential, this bill is deeply flawed and should not proceed in its current form.

HB 1288 would lead to a significant expansion of the role and duties of the State Board of Public School Education. The State Board historically plays a limited role in the regulation of education. Its statutory responsibilities focus primarily on assisting county committees, providing resources and oversight for regional education associations, reviewing annexation petitions and the dissolution of school districts, and establishing frameworks like the North Dakota learning continuum. HB 1288 drastically expands the State Board's role by tasking it with managing a process to review compliance with education statutes for any school district in the state. This new responsibility represents a significant departure from the Board's existing mandate, without any proper evaluation of its makeup, capacity, or resources. The bill does not provide additional funding, staffing, or infrastructure to handle the potentially overwhelming number of compliance requests. Nor does it consider the fact that the Board's current structure and expertise are not designed to address these investigative and regulatory functions. This hasty expansion risks overwhelming an already limited system, potentially undermining the Board's ability to fulfill its existing duties.

In addition, HB 1288 would likely overburden schools and state resources. Allowing any interested person to submit a compliance review invites a flood of complaints, many of which may lack merit. Moreover, HB 1288 creates a mechanism for individuals dissatisfied with resolutions reached at the local school district level to escalate their complaints to the state, effectively giving them multiple opportunities to pursue the same issue. This undermines the authority and finality of local decisions, fostering

unnecessary conflict and diverting resources from educational priorities. This will burden school districts, the State Board, and the Attorney General's Office, diverting attention and resources from their core functions. Local school boards are uniquely positioned to oversee compliance and address the specific needs of their communities. HB 1288 undermines this local governance by creating a state-level process that centralizes authority unnecessarily.

Moreover, the absence of specific criteria or thresholds for initiating reviews leaves the process open to abuse. This ambiguity may result in frivolous or politically motivated complaints, wasting time and eroding trust between schools and their communities. By empowering any interested person to request a review, the bill opens the door to misuse by individuals or groups with specific agendas. This creates the potential for harassment of school districts based on perceived rather than actual noncompliance.

Finally, HB 1288 fails to define what is meant by "education-related state statute," leaving the term overly broad and open to interpretation. There are numerous provisions within the North Dakota Century Code (NDCC) that relate in some form or fashion to education, ranging from curriculum standards to facilities management and funding mechanisms. Without a clear definition, the bill risks creating confusion over what constitutes a valid complaint, leading to inconsistent enforcement and potential misuse. The bill also overlooks the fact that existing mechanisms and processes already address potential violations of the law at both the state and local levels. School districts are accountable to local school boards, the Department of Public Instruction, and other regulatory bodies, all of which are equipped to handle complaints and ensure compliance with statutory requirements. By ignoring these established systems, HB 1288 introduces unnecessary duplication, inefficiency, and conflict, further straining resources that would be better spent on improving education outcomes.

HB 1288 is an unnecessary and inefficient approach to ensuring compliance with education-related statutes. It disregards the limitations of the State Board of Public Education's current role, overburdens state and local resources, and undermines local control. I strongly urge the committee to reject this bill in its current form.

Thank you for your time and consideration. I welcome any questions you may have.



## 1 Testimony in Opposition HB 1288

2 Chairman Heinert and Members of the Committee, thank you for the opportunity to provide  
3 testimony in opposition to House Bill No. 1288. This bill presents significant concerns regarding  
4 its fiscal impact, overreach of authority, and the undue burden it places on the State Board of  
5 Public School Education (hereto after State Board).

6 First and foremost, the fiscal note associated with this bill is expected to be extraordinarily high.  
7 The proposed requirement for the State Board and the Attorney General (hereto after AG) to  
8 review and investigate school district compliance with state education laws would necessitate  
9 substantial financial and personnel resources. This added responsibility would require significant  
10 staffing increases, legal consultations, and administrative support, all of which would create an  
11 unsustainable financial burden on the state.

12 Additionally, the provisions outlined in HB 1288 would impose duties on the State Board that  
13 are not within its powers under Century Code. The board's primary role is not to serve as an  
14 enforcement or investigative entity. Tasking the board with reviewing compliance inquiries and  
15 facilitating legal determinations fundamentally alters its intended function and oversteps its  
16 statutory authority. Furthermore, on the most basic level it ignores a most basic premise of  
17 following the chain of command with grievances or complaints. When did it become so hard to  
18 talk to a teacher, a principal, a coach, or a superintendent? I can't even imagine the mess we'd be  
19 in if the AG must investigate every time a parent is upset that their kid didn't get enough play  
20 time in the game, as an example.

21 It is also important to highlight the duplicative and excessive nature of this bill when compared  
22 to SB 2104 which is also unworkable. HB 1288 goes even further in its demands, introducing a  
23 layer of bureaucratic oversight that is not only unnecessary but also counterproductive. The AG's  
24 office already has mechanisms in place to address legal compliance matters, and further  
25 redundancy only serves to complicate existing processes.

26 Furthermore, this bill could lead to an influx of frivolous complaints, diverting valuable time and  
27 resources away from critical educational priorities. Schools are already subject to numerous  
28 accountability measures, and additional oversight of this magnitude could hinder their ability to  
29 focus on student learning and operational efficiency.

30 School districts have existing policies in place for all manner of concerns (curriculum, personnel  
31 complaints, patron complaints, etc). Concerns are best addressed the closest to those concerns  
32 and these policies already exist as recourse for concerns. HB1188 would circumvent these  
33 policies and pull the issue further away from the local entities hired/elected to address them.

34 HB 1288 represents an overreach in both fiscal and administrative capacities, imposing  
35 impractical and unsustainable expectations on the State Board. We urge the committee to oppose  
36 this bill and instead focus on solutions that support our schools within their existing governance  
37 framework and their locally elected officials and highly trained professionals.



Drew H. Wrigley  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
**OFFICE OF ATTORNEY GENERAL**  
www.attorneygeneral.nd.gov  
(701) 328-2210

HOUSE EDUCATION COMMITTEE  
JANUARY 22, 2025

TESTIMONY OF ALLYSON HICKS  
OFFICE OF ATTORNEY GENERAL  
HOUSE BILL NO. 1288

Chairman Heinert, members of the Committee.

I am Allyson Hicks, Assistant Attorney General, General Counsel Division, and I appear on behalf of the Attorney General opposed to HB 1288 without additional resources as discussed below.

I serve as the General Counsel for the State Board for Public School Education, however, I appear in my capacity as the Political Subdivision portfolio holder for my office. In that role, I answer reference questions from all political subdivisions in the state that reach out to my office, including school districts, as well as field citizen questions or concerns regarding political subdivisions that come into our info box. Often times my job just involves pointing an attorney or school official to a relevant case or opinion or connecting a citizen with the appropriate contact at the local level to address their concerns. This bill proposes resolving issues raised by citizens in a much more in-depth fashion.

HB 1288 would add several legal duties related to the Office of Attorney General, including the following:

- Reviewing and investigating the information submitted by an interested person (P. 1, lines 16-17)
- Determining whether a school district is in compliance with the alleged education related state statutes (P. 1, lines 17-18)

- Dismissing requests for review if the review exceeds the purpose of the bill (or if the request fails to meet the requirements of the state board of public school education) (P. 1, lines 19-21)
- Advising the school district of the findings (P. 2, lines 1-3)
- Providing instructions to the school district on how to comply with the education related state statute (P. 2, lines 1-3)
- Communicating with the school district and requesting individual throughout the process
- Defending the findings in any resulting adjudicative proceeding.

This would require an additional education-focused attorney in the General Counsel Division. The FTE with benefits would amount to \$284,188 per biennium at a salary of \$102,000.00. Without additional resources allocated to my office, my office respectfully recommends a DO NOT PASS on HB 1288.

I would stand for any questions.

1 North Dakota School Study Council Testimony in Support HB 1288 –  
2 Compliant with State Law

3 Chairman Heinert and Members of the Committee,

4 Thank you for the opportunity to provide testimony on HB 1288. The  
5 schools I represent are opposed to this bill. Every school district has  
6 policies addressing complaints. HB 1288 circumvents local complaint and  
7 grievance procedures.

8 Do we believe school districts should be compliant with education-related  
9 state statutes, ABSOLUTELY!!! But there are already processes in place to  
10 address this if statutes are not followed. I know this, because I have  
11 conducted numerous investigations throughout the state.

12 There are times when the school board president is too close to the issue  
13 or too close to the superintendent so an outside investigator is needed.  
14 There are times when the school district has done its own investigation and  
15 the findings are appealed through the process, and an outside investigator  
16 is needed.

17 The complainant and responding party always receive a copy of the  
18 findings. This does not mean everyone agrees with the findings. There are  
19 times when the facts simply do not support the complaint or when the  
20 person believes they did nothing wrong.

21 There is no fiscal note attached to this bill. It does cost money when  
22 investigations are conducted. When investigations are conducted by non-  
23 school personnel those individuals need to be compensated for time and  
24 travel.

25 HB 1288 is unnecessary because of existing policies and practices. Thank  
26 you for your consideration!

27 

28 Dr. Paul Stremick

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1288  
1/29/2025

Relating to review of public school compliance with state law
---

10:30 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

10:30 a.m. Representative Jonas moved a Do Not Pass.

10:30 a.m. Representative Hager 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	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	N
Representative Andrew Marschall	N
Representative Desiree Morton	N
Representative Anna S. Novak	Y
Representative Doug Osowski	N

Motion carried: 9-5-0

Bill Carrier: Representative Jonas

10:37 a.m. Chairman Heinert closed the hearing.

*Leah Kuball, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1288 ([25.0645.01000](#))**

**Education Committee (Rep. Heinert, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1288 was placed on the Eleventh order on the calendar.