

**2025 HOUSE JUDICIARY**

**HB 1328**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1328  
1/21/2025

A BILL for an Act to amend and reenact subsection 7 of section 27-20.3-01 and section 27-20.4-05.1 of the North Dakota Century Code, relating to the definition of custodian and delinquency referrals to juvenile court.

9:39 a.m. Representative Karls opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Henderson

## **Discussion Topics:**

- Interactions between schools and juvenile courts
- Legal definition of Custodian
- Children in Need of Services program

9:39 a.m. Lawrence Klemin, North Dakota Representative for District 47, introduced the bill.

9:41 a.m. Carly Retterath, Assistant Superintendent for Mandan public Schools, testified in favor and provided testimony #29950.

9:48 a.m. Aimee Copas, Executive Director for the North Dakota Council of Educational Leaders, testified in favor and provided testimony #30001.

9:51 a.m. Brad Peterson, Legal Director for North Dakota Protection and Advocacy Project, testified in opposition and provided testimony #31363.

9:58 a.m. Lynn Flieth, Director for the RSR Human Service Zone, testified in opposition and provided testimony #30186.

## **Additional written testimony:**

Nick Klemisch, Superintendent for Garrison Public Schools, submitted testimony in opposition #30129.

10:10 a.m. Representative Karls closed the hearing.

*Wyatt Armstrong, Committee Clerk*

1 HB 1328 – DJS – Relating to definition of Custodian and Delinquency Referrals to Juvenile Court

2 Mandan Public Schools – Carly Retterath Testimony

3 Good morning, Chairman Klemin and members of the Judiciary committee. For the record, my  
4 name is Dr. Carly Retterath. I am the Assistant Superintendent for Mandan Public Schools. I am  
5 here today to urge you to give HB 1328 a Do Pass recommendation.

6 In Mandan, we have had many opportunities to expand our interventions and options for students  
7 struggling to be successful in the traditional school setting. Over the past six years we have had a  
8 strong partnership with the Division of Juvenile Services (DJS), that partnership has supported  
9 two, day treatment programs at our secondary schools. These programs allow students a safe space  
10 to transition back into school after placement or to receive therapeutic interventions while  
11 maintaining school engagement. Furthermore, we have utilized the Behavioral Health Grant and  
12 System of Care Grant dollars to expand our district's capacity to address the non-academic needs  
13 of our students and families. Some of these supports are, site based clinical counseling at school,  
14 additional Family Liaison Support, family case-management support and offering expanded social  
15 skills groups. Finally, as a district we support an alternative high school and virtual academy to  
16 offer additional options for students seeking different educational environments.

17 We also recognize as a district the need to collaborate with other agencies. One example of how  
18 we do this is a monthly meeting we hold that includes Three Rivers Human Services, our CHINS  
19 worker, school personal and our School Resource Officers (SROs). The purpose of these meetings  
20 is to collaboratively problem solve and coordinate our services around students. Despite these  
21 collaborative efforts, we often encounter youth and families who refuse to engage in the available  
22 supports and interventions. This lack of engagement leads to ongoing disruptions in school and  
23 the community or complete non-attendance at school.

24 HB 1328 bill seeks to include schools within the definition of "Custodian" in the Century Code.  
25 This expansion is crucial as it would significantly enhance our ability to refer students to the  
26 Children in Need of Services (CHINS) program. With currently century code, schools are unable  
27 to refer students to CHINS for disruptive/disrespectful behavior in school. This broader definition

28 would ensure that schools have the necessary authority to initiate referrals, thereby providing  
29 timely and appropriate support to students in need.

30 In addition, the bill allows CHINS to refer cases directly to juvenile court. This referral capability  
31 is a critical component of the intervention process that is currently lacking in effectiveness. By  
32 enabling CHINS to involve the juvenile court, we can ensure that interventions have the necessary  
33 legal backing to enforce meaningful engagement and participation from students and their families.  
34 This step will provide the intervention process with the "teeth" that it needs to be more effective.

35 Let me be clear: our intention is not to incarcerate students or to involve law enforcement  
36 unnecessarily. However, without the ability to mandate engagement in interventions, we find  
37 ourselves unable to make progress. HB 1328 would provide a step in the right direction for the  
38 necessary legal framework to require participation, ensuring that students receive the support they  
39 need while maintaining a positive and productive school environment.

40 In conclusion, I urge the committee to support HB 1328. This bill is vital for empowering schools  
41 and CHINS with the authority they need to effectively support our students and address their  
42 challenges. Thank you for your time and consideration.

43 I urge you to give HB 1328 a DO PASS recommendation. I would be happy to stand for any  
44 questions.



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

2   Chairperson and Members of the Committee,

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

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

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

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

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

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

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



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

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

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

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



**Garrison Public Schools**  
*"Home of the Troopers"* P.O. Box 249  
 Garrison, ND 58540-0249  
 Ph (701) 463-2818  
 Fax (701) 463-2067

<b>Superintendent</b>	<b>High School Principal</b>	<b>Elementary Principal</b>	<b>Business Manager</b>
Dr. Nick Klemisch	Steve Dangel	Michelle Fuller	Amy Betz
Ph. 463-2818	Ph. 463-2818	Ph. 463-2213	Ph. 463-2818

Dear Members of the Legislative Assembly,

Thank you for the opportunity to provide testimony on House Bill 1328. I am writing to express my opposition to this bill due to its significant implications for schools and their ability to manage student conduct effectively while maintaining a safe and supportive learning environment.

As currently drafted, this bill places an untenable burden on schools by requiring them to exhaust all disciplinary and intervention policies before referring a student to the juvenile court system for infractions or misdemeanors. While the intent to address minor issues within the school system is commendable, the practical challenges associated with this approach cannot be overlooked.

First, schools are not adequately equipped to handle persistent or severe behavioral issues without external support. Many schools, particularly in rural areas, lack access to specialized staff, mental health resources, and alternative educational programs. Requiring schools to manage students who repeatedly violate laws without the ability to escalate cases to juvenile court undermines the safety and well-being of the broader school community. Furthermore, the requirement to document extensive interventions creates additional administrative burdens, diverting time and resources away from core educational responsibilities.

Second, the exceptions provided in the bill for serious offenses, such as drug-related crimes or weapon violations, are insufficient to address the broader spectrum of disruptive behaviors that can significantly impact school environments. Instances of repeated theft, vandalism, harassment, or other misdemeanor offenses, if not adequately addressed, erode trust among students, staff, and families. Schools need the flexibility to respond proportionally to misconduct, including referrals to juvenile court when warranted.

Third, this bill risks creating a precedent where schools are expected to serve as de facto juvenile justice systems, a role they are neither trained for nor resourced to fulfill. Teachers and administrators are educators, not law enforcement officers or social workers. Without adequate training or funding, schools cannot be expected to handle the complex social, emotional, and behavioral challenges that may accompany certain infractions.

Finally, by limiting schools' ability to refer students to the juvenile court system, this bill could inadvertently exacerbate disparities in disciplinary practices. Schools with limited resources may struggle to implement comprehensive interventions, leading to inconsistent enforcement and potentially unequal treatment of students.

I urge the committee to consider the significant challenges this bill would create for schools, especially in rural and under-resourced areas. Schools need partnerships with the juvenile justice system to address certain cases effectively. Rather than limiting schools' ability to refer students to juvenile court, I encourage the legislature to explore initiatives that enhance resources for schools, such as increased funding for mental health services, training for staff, and access to alternative education programs.

Thank you for your consideration. I urge you to oppose House Bill 1328 in its current form and work toward solutions that support both students and schools in addressing behavioral challenges.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Klemisch', with a stylized flourish at the end.

Dr. Nick Klemisch  
Superintendent  
Garrison Public Schools

Testimony Prepared for the  
**House Judiciary Committee**  
DATE; January 21, 2025  
By: Lynn Flieth, RSR Human Service Zone Director

**RE: HB 1328: Relating to the definition of “custodian” and Juvenile Court referrals**

Chair Klemin, and members of the House Judiciary 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 of HB 1328.

Human Service Zones are mandated to provide economic assistance and child welfare services, including receiving CHINS (Child In Need of Services) referrals. The RSR Human Service Zone is the employing entity for the statewide CHINS (Children In Need of Services) Unit.

I would like to provide some background on the legal changes which lead to the creation of the CHINS Unit as it relates to ungovernable behavior exhibited in school. In 2021, NDCC 27-20 was updated to define CHINS behaviors (formerly “unruly”) to include 4 specific behaviors: truancy, running away, disobeying the reasonable commands of a parent/custodian, and smoking/vaping under the age of 14. This law change fully removed the Juvenile Court’s jurisdiction related to the CHINS population. Instead, referrals are directed to Human Service Zones. There was no fiscal note or appropriation attached to this law change.

At that time additional changes to the Juvenile Court Chapters in 27-20, included the provision that “a child who commits an infraction or misdemeanor offense on school property may not be referred to the juvenile court unless school interventions have been unsuccessful.”

I would like to provide some information on the operations of the CHINS Unit. On August 1, 2022, the statewide CHINS Unit became operational, which includes a total of eight team members, including one Supervisor who carries a smaller caseload. In the first year of operation, the unit received 2,491 referrals. In 2024, the unit received 2,117 referrals. (See attached CHINS Data handout).

CHINS Specialists serve as navigators who reach out to families to offer support and information, with the guiding principles being to engage, educate and empower parents and/or caregivers. Specialists complete an assessment to best determine what the most significant needs are, and work to engage with families to locate services to address the problematic behaviors. CHINS Specialists collaborate with community partners to develop a plan which supports the family in meeting the behavioral health needs of the identified youth.

HB 1328 proposes to include schools under the definition of “custodian” and would allow referrals for ungovernable youth behavior exhibited in the school to be categorized as a Child In Need of Services because under current law, only the custodian (i.e. parent) can refer for ungovernable behavior. Should the definition of “custodian” change to include schools, the number of referrals to the CHINS Unit would substantially increase. There is no additional appropriation or fiscal note attached to this bill to support the proposed increased workload. The current team of 8 is already taxed with the number of referrals received, and additional personnel would need to be hired for any increased number of referrals.

From my perspective, it is unclear what the actual benefit would be to include youth exhibiting ungovernable behavior in school, as eligible for a referral to the CHINS Unit. Schools already express frustration with the lack of legal jurisdiction or “teeth” for this population in relation to truancy. The role and goals of service navigation for families would be the same for youth referred for being ungovernable in the school setting. A referral to CHINS will not result

in any form of “consequences” for a youth, and family engagement with a CHINS Specialist would remain voluntary.

Because each school is governed locally, there are wide variances in practice, policy and tolerance. Many schools have increased staff to address student behavioral health needs. However those behavioral health supports are limited in availability and are utilized in a variety of ways. Some schools and communities simply do not have ANY supports in this area. This makes providing a consistent response extremely difficult, in an environment of highly variable practices and expectations. The original intent of the previous law changes was to give schools more authority and flexibility to handle school behaviors in-house with individuality and a more tailored, and possibly more effective, response. A referral to an outside entity (CHINS) for a scuffle in the hallway or student who leaves school repeatedly is not likely to resolve the behavior.

Beyond the ability to refer to CHINS, serious questions arise regarding the inclusion of schools as a “custodian”. The term “custodian” is used 28 times in this chapter and each time that it is used, it would now apply to school officials. For example, in 27-20.3-24(2) “the custodian has the rights of a legal custodian and authority to consent to the child’s adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.” So, a public and nonpublic school attended by the child would legally be able to consent to adoption, marriage, etc.

Human Service Zone Directors, for example, are identified by the court as the legal custodian for children in public custody (foster care). In this role as custodian, we are tasked with making literal life and death decisions for children in our custody, including granting approval for medical procedures, authorizing out of state travel, medication administration and providing consent for a child to be adopted. It doesn’t seem that this is an appropriate role for schools. If categorized as a custodian, will this alter the assessment process for reports of

suspected child abuse and neglect for school district employees? The designation of schools as a “custodian” could potentially create undesirable liability concerns for the schools, as well as role confusion.

In closing, the Human Service Zone Directors Association oppose this bill. And while it is unclear what the benefit to schools would be to refer to CHINS for “ungovernable” behavior exhibited in the school, if this bill proceeds, it is suggested that rather than designate schools as a “custodian”, NDCC 27-20 be altered to simply allow schools to make such a referral. Additionally, a fiscal note and/or appropriation will need to be included to allow for the hiring of additional staff to the CHINS Unit.

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

# CHILDREN IN NEED OF SERVICES (CHINS)



## BACKGROUND

As part of Juvenile Justice Reform efforts in North Dakota, the 2021 Legislature approved changes to NDCC 27-20.3 for services to be provided by the child welfare system so that children in need of services who have not committed crimes can be served in the community and be maintained outside of the Juvenile Court system.

## CHINS PROGRAM GOALS

- Connect children and their families to appropriate services in the community;
- Focus on prevention, treatment services and support; and
- Divert individuals from entering the foster care and juvenile justice system.

## CHILD BEHAVIORS APPROPRIATE FOR THE CHINS PROGRAM

- Truancy from school
- Regularly disobeying their parents
- Using and possessing tobacco and related products
- Running away

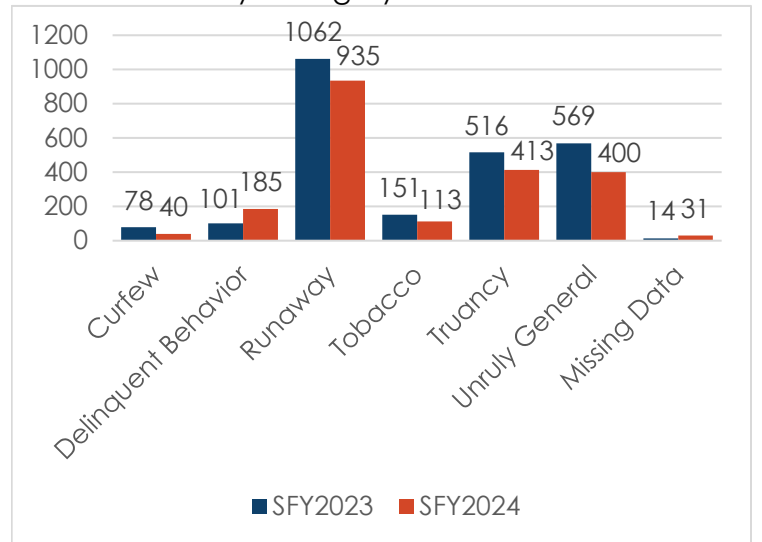
## TO REFER TO THE CHINS PROGRAM

Parents, guardians, law enforcement officers, and school officials can refer children to the CHINS Team, staffed statewide by Human Service Zone professionals.

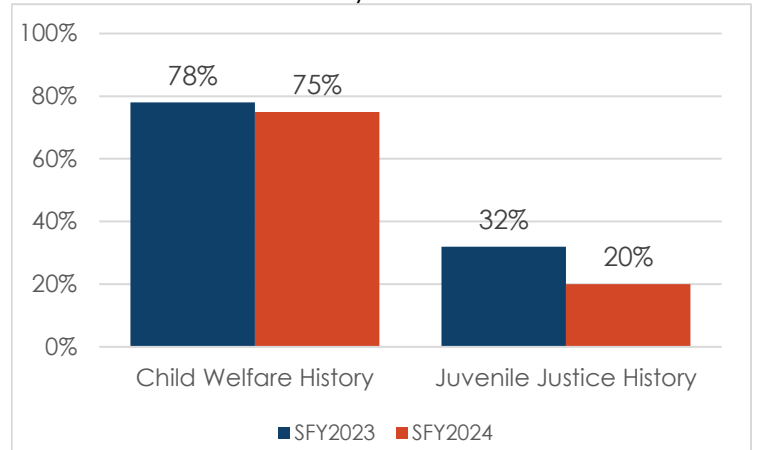
1. Complete a [CHINS Referral Form](#)
2. Submit the Referral Form  
o Fax: (701) 328-0104

	SFY2023	SFY2024
Total Referrals	2,491	2,117
Total Children	1,493	1,452
Median Age	14 Years	15 Years
Top Living Situation	In Home (89%)	In Home (91%)
Top Referral Source	Law Enforcement (67%)	Law Enforcement (67%)

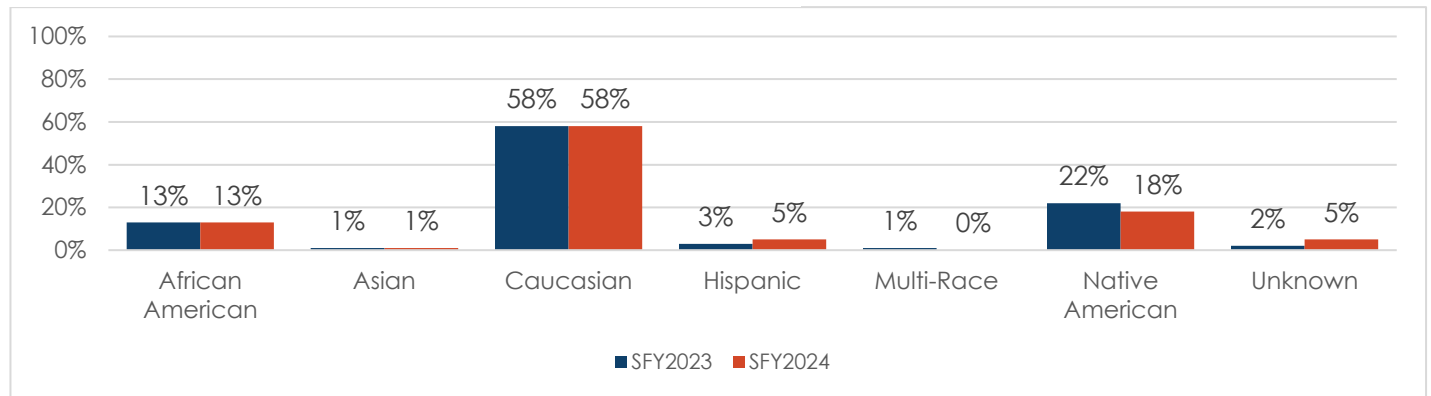
Total Referrals by Category



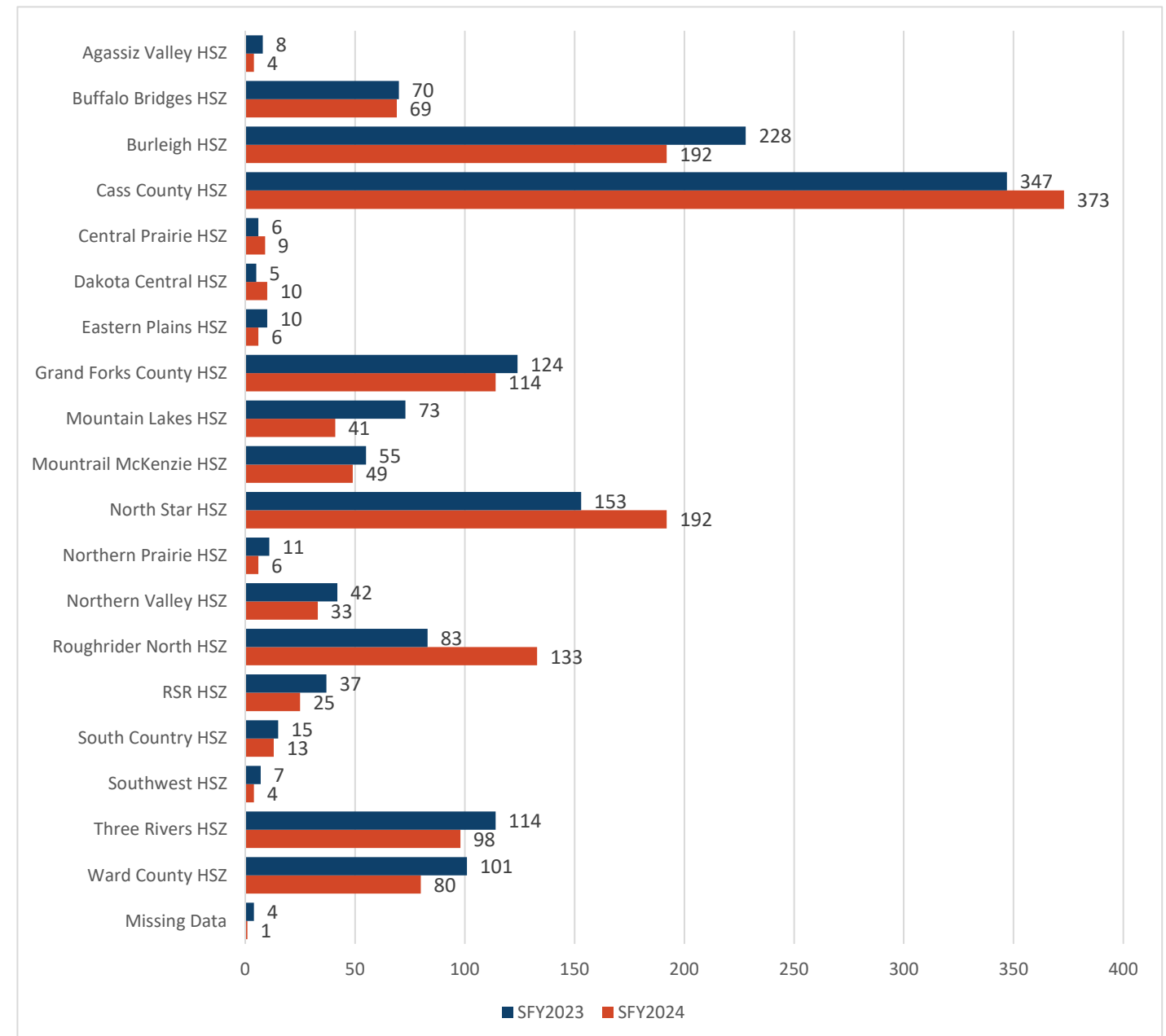
Percentage of Children with Child Welfare or Juvenile Justice History



## Total Children by Race



## Total Children by Human Service Zone



Children and Family Services Section

600 East Boulevard Avenue, Dept. 325 ~ Bismarck, ND 58505-0250  
 Phone: (701) 328-2316 Fax: (701) 328-3538 Email: hhscfs@nd.gov

Good afternoon, Chair Klemin and Vice Chair Karls,

P&A provided written and oral testimony to the House Judiciary Committee in opposition of HB 1328 on January 21, 2025. Written testimony makes reference to a necessary amendment if it is the committee's wish to pass this bill. During oral testimony, P&A was asked about the proposed amendment. In follow-up to that question the requested amendment would be to strike the underlined passage on page 1, line 9 which reads , or a public or nonpublic school attended by the child.

I would request that this clarification be updated on the record. Thank you for your time and attention to this request.

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1328  
2/10/2025

A BILL for an Act to amend and reenact section 27-20.4-05.1 of the North Dakota Century Code, relating to delinquency referrals to juvenile court.

3:11 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, VanWinkle, Wolff, Schneider

Members Absent: Vice-Chairman Vetter, Representative Tveit

## **Discussion Topics:**

- Referrals to the North Dakota Child in Need of Services unit
- Referrals to juvenile court

3:12 p.m. Chairman Klemin proposed Amendment testimony #36803.

3:19 p.m. Representative Wolff moved to Adopt Amendments proposed in testimony #36803.

3:19 p.m. Representative Schneider seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	A
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	A
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:20 p.m. Motion passed 12-0-2

3:21 p.m. Representative Wolff moved a Do Pass as Amended.

3:21 p.m. Representative S. Olson seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	A
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	A
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:22 p.m. Motion passed 12-0-2

3:22 p.m. Chairman Klemin will carry the bill.

3:24 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

February 10, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

2-11-25  
JB 1 of 2

**HOUSE BILL NO. 1328**

Introduced by

Representatives Heinert, Hauck, Jonas, Meier, Wagner

Senators Larson, Schaible

1 A BILL for an Act to amend and reenact ~~subsection 7 of section 27-20.3-01 and section~~  
2 ~~27-20.4-05.1 of the North Dakota Century Code, relating to the definition of custodian and~~  
3 ~~delinquency referrals to juvenile court.~~

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

5 ~~**SECTION 1. AMENDMENT.** Subsection 7 of section 27-20.3-01 of the North Dakota~~  
6 ~~Century Code is amended and reenacted as follows:~~

7 ~~7. "Custodian" means a person, other than a parent or legal guardian, which stands in~~  
8 ~~loco parentis to the child and, a person to which legal custody of the child has been~~  
9 ~~given by order of a court, or a public or nonpublic school attended by the child.~~

10 **SECTION 1. AMENDMENT.** Section 27-20.4-05.1 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **27-20.4-05.1. Method of making a delinquency referral to juvenile court.**

- 13 1. A referral alleging a child has committed a delinquent act may be made to the juvenile  
14 court by an employee of a public or nonpublic school attended by the child or a law  
15 enforcement officer who has reasonable grounds and knowledge of the facts alleged  
16 and believes such facts are true.
- 17 2. If a child is taken into custody on the alleged delinquent act, the law enforcement  
18 officer shall send the referral to the juvenile court within twenty-four hours after the  
19 time in which the minor is taken into custody under section 27-20.4-05.

- 1       3. A child who commits an infraction or misdemeanor offense on school property may not
- 2       be referred to the juvenile court unless school interventions have been unsuccessful
- 3       and documentation ~~is of~~ internal or external consultations are included with the referral
- 4       indicating which interventions or educational approaches were attempted. A school
- 5       shall exhaust all school discipline policies before referring a child to juvenile court.
- 6       a. A school is not required to engage in interventions before referring a case for the
- 7       following misdemeanor offenses:
- 8           (1) Drug-related offenses under title 19;
- 9           (2) Offenses against a person under chapter 12.1-17, 12.1-31.2, or 14-07.1;
- 10          (3) Sex offenses under chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29;
- 11          and
- 12          (4) Any offense involving a firearm, weapon, or dangerous weapon as defined
- 13          in section 62.1-01-01.
- 14       b. A law enforcement officer may:
- 15           (1) Investigate possible delinquent offenses and conduct occurring at a school,
- 16           including conducting probable cause searches;
- 17           (2) Consult with school staff about the conduct of a child enrolled in a school;
- 18           (3) Refer a child to the juvenile court for a delinquent offense occurring on
- 19           school grounds or on school property as allowed by this section;
- 20           (4) Transport a child enrolled in a school to a location permitted by law;
- 21           (5) Take temporary custody of a child in accordance with section 27-20.4-05 or
- 22           protective custody of a child in accordance with section 27-20.3-06; and
- 23           (6) Protect the safety of students and the school community.

**REPORT OF STANDING COMMITTEE  
HB 1328**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** ([25.1107.01002](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1328 was placed on the Sixth order on the calendar.

HB 1328 PROPOSED AMENDMENTS

SECTION 1. **REMOVE**

SECTION 2. AMENDMENT

27-20.4-05.1. Method of making a delinquency referral to juvenile court.

1. A referral alleging a child has committed a delinquent act may be made to the juvenile court by a public or nonpublic school attended by the child or by a law enforcement officer who has reasonable grounds and knowledge of the facts alleged and believes such facts are true.

Renumber accordingly

**2025 SENATE EDUCATION**

**HB 1328**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Education Committee Room JW216, State Capitol

HB 1328  
3/12/2025

Relating to delinquency referrals to juvenile court.
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11:31 a.m. Vice-Chairman Lemm called the hearing to order.

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

Members Absent: Chairman Beard

### Discussion Topics:

- Promote efficiency of referrals
- Allow students to continue education
- Utilize law enforcement

11:30 a.m. Representative Heinert, District #32, introduced the bill.

11:34 a.m. Aimee Copaas, Executive Director ND Council of Educational Leaders, testified in favor and submitted testimony #40753.

11:36 a.m. Veronica Zietz, Executive Director ND Protection and Advocacy Project, testified in favor and submitted testimony #40617.

11:41 a.m. Senator Boschee moved Do Pass.

11:41 a.m. Senator Wobbema seconded the motion.

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

Motion Passed 5-0-1

Senator Wobbema will carry the bill.

### Additional written testimony:

Dr. Carly Retterath, Assistant Superintendent, Mandan Public Schools, submitted testimony in favor #40425.

11:43 a.m. Vice-Chairman Lemm closed the hearing.

*Susan Helbling, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1328 ([25.1107.02000](#))**

**Education Committee (Sen. Beard, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1328 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

1 HB 1328 – DJS – Relating to Delinquency Referrals to Juvenile Court

2 Mandan Public Schools – Carly Retterath Testimony

3 Chairman Beard and members of the Education committee my name is Dr. Carly Retterath. I am  
4 the Assistant Superintendent for Mandan Public Schools. I strongly support you giving HB 1328  
5 a Do Pass recommendation.

6 In Mandan, we have had many opportunities to expand our interventions and options for students  
7 struggling to be successful in the traditional school setting. Over the past six years, we have had a  
8 strong partnership with the Division of Juvenile Services (DJS). That partnership has supported  
9 two, day treatment programs at our secondary schools. These programs allow students a safe space  
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16 virtual academy to offer additional options for students seeking different educational  
17 environments.

18 We also recognize as a district the need to collaborate with other agencies. One example of how  
19 we do this is a monthly meeting we hold that includes Three Rivers Human Services, our CHINS  
20 worker, school personnel, and our School Resource Officers (SROs). The purpose of these  
21 meetings is to collaboratively problem solve and coordinate our services around students. Despite  
22 these collaborative efforts, we often encounter youth and families who refuse to engage in the  
23 available supports and interventions. This lack of engagement leads to ongoing disruptions in  
24 school and the community or complete non-attendance at school.

25 HB 1328 seeks to enhance a school's ability to refer students to Juvenile Court when they have  
26 exhausted all their options. This referral capability is a critical component of the intervention  
27 process that is currently lacking. By enabling schools to involve the juvenile court, we can ensure  
28 that interventions have the necessary legal backing to enforce meaningful engagement and  
29 participation from students and their families. This step will provide the intervention process with  
30 the "teeth" that it needs to be more effective.

31 Let me be clear: our intention is not to incarcerate students or to involve law enforcement  
32 unnecessarily. However, without the ability to mandate engagement in interventions, we find  
33 ourselves unable to make progress. HB 1328 would provide a step in the right direction for the  
34 necessary legal framework to require participation, ensuring that students receive the support they  
35 need while maintaining a positive and productive school environment.

36 In conclusion, I urge the committee to support HB 1328. This bill is vital for empowering schools  
37 with the authority they need to effectively support our students and address their challenges. Thank  
38 you for your time and consideration.

39 I urge you to give HB 1328 a DO PASS recommendation.



# Protection & Advocacy Project

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Senate Education Committee

House Bill 1328 - March 12, 2025

Testimony of Brenda Ruehl, P&A Director of Program Services

Greetings Chairman Beard and members of the Senate Education Committee. My name is Brenda Ruehl and I am a Director Program Services at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A supports this bill in its current form. P&A provides education advocacy to students with disabilities to ensure that they can fully benefit from the promise of a free appropriate public education. Often students with disabilities face challenges around disciplinary action for disability-related behaviors. This can lead to early and ongoing involvement with the juvenile justice system. P&A appreciates the bill language on line 17 and 18 which directs schools to exhaust all disciplinary options before referring a child to juvenile court. Our hope is that this will create protections and limit justice involvement for students with disabilities.

Additionally, P&A appreciates the amendment made to this bill in the House, which removed the provision allowing schools to become custodians of students. We believe this change protects parents' rights and responsibilities, including physical care and decision-making authority relating to the upbringing, education, and health of their children.

Thank you for your time and consideration.

Brenda Ruehl

Director Program Services

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1 I am here today to express my strong support for House Bill No. 1328, which seeks to amend  
2 and clarify key definitions related to custodianship and delinquency referrals to juvenile  
3 court. These changes provide necessary clarification to ensure that our laws are interpreted  
4 and applied as originally intended, thereby eliminating confusion and enhancing the  
5 effectiveness of school and law enforcement interactions. It is worth noting that I worked  
6 with both Chairman Klemin, Senator Larson, and Rep. Heinert to ensure this language was  
7 acceptable and met the spirit of the law.

8 The revisions regarding delinquency referrals to juvenile court create a clear framework for  
9 handling misdemeanor offenses that occur on school property. These changes strike a crucial  
10 balance between the responsibilities of school administrators and law enforcement officers.  
11 By requiring schools to exhaust all internal disciplinary policies before referring students to  
12 the juvenile court system, we are fostering an environment where educational interventions  
13 take precedence over punitive measures. This approach aligns with best practices in student  
14 behavior management and supports the long-term success of our youth.

15 Importantly, the bill also delineates specific misdemeanor offenses—such as drug-related  
16 offenses, offenses against a person, sex offenses, and weapons-related offenses—that  
17 warrant immediate law enforcement involvement without the requirement for prior school  
18 interventions. This provision is essential to maintaining the safety and security of our school  
19 communities while ensuring that school administrators are not placed in the challenging  
20 position of managing serious legal matters beyond their expertise.

21 By clarifying these definitions and referral processes, House Bill No. 1328 empowers our  
22 principals and school administrators with clear guidelines, allowing them to focus on their  
23 primary mission of providing quality education. It also provides a structured pathway for  
24 law enforcement officers to appropriately address more serious offenses, ensuring a  
25 coordinated response that prioritizes both student support and public safety.

26 I respectfully urge the committee to support this bill and recognize the positive impact these  
27 changes will have on our schools, students, and communities. Thank you for your time and  
28 consideration.