

2025 SENATE JUDICIARY

SB 2244

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2244
1/29/2025

Relating to parental involvement in a child's education and relating to a parent's interest in a child's upbringing; and to declare an emergency.

10:00 a.m. Chair Larson opened the hearing.

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Parental rights in education
- Opposing certain school policies
- Children's preferred name without parental notification
- Curriculum transparency and review
- Parental control
- Lawsuit risks
- Personal experience
- Chronic absenteeism

10:00 a.m. Senator Paulson, District 3, introduced the bill and submitted testimony in favor #32541.

10:13 a.m. Jacob Thomsen, Policy Analyst of ND Family Alliance Legislative Action, testified in favor and submitted testimony #32480.

10:15 a.m. Kimberly Hurst, Mother, District 1, testified in favor and submitted testimony #32410.

10:20 a.m. Mike Geiermann, Attorney, ND United, testified in opposition and submitted testimony #32241.

10:37 a.m. Amy De Kok, Executive Director NDSBA, testified in opposition and submitted testimony #32567.

10:50 a.m. Leslie Bieber, Superintendent, Alexander Public School, testified in opposition and submitted testimony #32488.

10:54 a.m. Melisa Hauer, General Counsel, ND Hospital Association, testified in opposition and submitted testimony #32579.

10:56 a.m. Jordan Carpenter, Legal Counsel, Alliance Defending Freedom, testified as neutral.

Additional written testimony:

Karen Krenz submitted testimony in favor #32369.

Janet Anderson, Citizen, ND submitted testimony in opposition #31226.

Elisabeth Fricker submitted testimony in opposition #31925.

Erin Price, Educator and Mother, submitted testimony in opposition #32129.

Kristin Michels, Parent, submitted testimony in opposition #32132.

Kayla Coenen, Resident, ND, submitted testimony in opposition #32186.

Leah G. Wozniak, CVIC, submitted testimony in opposition #32239.

Andrew F. Larson, Resident, Grand Forks, submitted testimony in opposition #32287.

Faye Seidler, Suicide Prevention Advocate, submitted testimony in opposition #32391.

Catherine Benton, Parent, submitted testimony in opposition #32414.

Brittney Blake, Corporate Counsel, Altru Health System, submitted testimony in opposition #32468.

11:04 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

January 23, 2025

Chairwoman Larson and members of Judiciary,

I am writing on behalf of myself as an individual citizen of North Dakota and asking that you oppose SB 2244.

I completely support increased parental involvement in their children's education. I am frustrated beyond belief when I see parents who are not involved in their child's education, and I am not alone in this – teachers also want to see parents become more involved.

So why do I oppose this bill? Because it's unnecessary, unreasonable and impossible to enforce and puts additional strain and stress on our already burdened school systems. Parents already have the right to be involved in their children's schooling and we have been given plenty of tools to do this. However, we do not have the right to demand course information or teacher training materials with three days' notice.

Classroom education is simply not always that structured. Plans can be easily taken off track by inquisitive students or delayed by lack of understanding. This bill demonstrates a major problem with politics and education: many politicians do not understand what it's like to be in a classroom today. Politicians seem to think teachers are brainwashing students and coercing them to change their names and gender when in all actuality teachers are just trying to teach our kids while working 10+ hour days and buying their own supplies.

I have dozens of friends who are teachers, and I consistently hear them voice concern about how parents "don't care" about what their kids do in school. I also hear them worry about the kids who aren't succeeding and who don't seem to be taken care of outside of school. I listen to my friends talk about the challenges of crowded schools and poor infrastructure. I watch as these dedicated educators spend their "non-work" hours preparing school projects and volunteering at school activities.

Instead of supporting bills like SB 2244 I encourage you to do the following: 1) Spend a day in a classroom at your local school and 2) Develop other legislation that helps fund education, infrastructure, counseling, special education, salaries, and benefits. Parents already have the ability to be involved in a child's education, they don't need a law to do this they simply need to take the initiative and support their children and the teachers who care for them thousands of hours each year.

Respectfully submitted,

Janet Anderson

Burlington, ND

Dear Committee,

I grew up in North Dakota and it took me almost 30 years to accept that I was Queer because so many people and policies in this state cannot bear to accept the true fact that many forms of love and gender non-conformity has existed since the start of humanity and are now trying to make it so students cannot learn this fact. If you enact SB2244, more people will experience the same childhood as mine and I do not want others to grow up as I did, living in fear of living as their authentic selves and will not be safe or comfortable in this state.

All I have heard from men in positions of power in the state since I was a teenager is that North Dakota needs young people to stay in the state. But young people will not survive or stay in the state if you enact bills such as this one, because they may not know that their identity is valid, normal, and accepted in the world.

For example, I am doing everything in my power to leave the state and never return as soon as possible, because I am so sick of the legislature trying to decide if my existence is valid in their eyes. I know what my worth is, and I know that if the state of North Dakota cannot recognize it then there is no point in staying and suffering.

Please be decent humans and do not vote for SB2244.

I am writing to **strongly oppose Senate Bill 2244**, which would require written parental consent for students to receive instruction or attend presentations related to gender stereotypes, gender identity, gender expression, sexual orientation, or sexual relationships. As a local educator of nearly twenty years and a mother of a third-grade son, I am deeply concerned about the negative impact this bill will have on our students, educators, and the future of our state.

I am a passionate advocate for all students and their right to feel seen, heard, and respected for who they are. My son, though only in third grade, already understands that all people matter, and that we all deserve representation, no matter our gender identity or sexual orientation. He learns every day that empathy, respect, and understanding are cornerstones of the community we live in, and I believe that our schools should reflect these values by providing students with accurate, inclusive, and supportive education.

This bill would create an additional and unnecessary layer of bureaucracy in our already overworked education system. Teachers already face a multitude of challenges in their classrooms, often balancing large class sizes, limited resources, and increasing pressures. Requiring written consent for lessons on important topics such as gender identity and sexual orientation will only add to their burdens. It will force educators to focus on paperwork instead of meaningful engagement with their students and their academic growth. I have seen firsthand the impact of such burdens in my own work and through my role as a faculty advisor to my college's LGBT+ Club for over ten years.

Throughout my tenure as an advisor, I have heard from countless students who feel marginalized, misunderstood, and often pushed to leave the state due to the restrictive and harmful nature of policies like SB 2244. Many of these students, who are either allies or a part of our LGBT+ community, have expressed that it feels as though the laws being passed here do not want them to stay in North Dakota. We are losing the voices, perspectives, and talents of some of the brightest young people in our state because of these kinds of policies that make them feel unwanted and unrepresented.

By limiting the instruction and dialogue around gender identity, sexual orientation, and related topics, SB 2244 will only reinforce harmful stereotypes and contribute to an environment where many students feel they must hide who they truly are. Instead of protecting children, this bill isolates and stifles important conversations that can help students develop empathy and understanding for people who may be different from them. It sends the message that certain people, particularly those from the LGBTQ+ community, are not worthy of representation in our schools.

In the long run, this bill will not only harm our students, but it will also drive educators and future leaders out of North Dakota. We must be a state that values and uplifts all of its citizens, especially its young people, and that includes ensuring that all students see themselves reflected in the world around them, both in their studies and in their communities.

For these reasons, I strongly urge you to oppose Senate Bill 2244. We have the opportunity to create a more inclusive, empathetic, and respectful state for all North Dakotans, and I implore you to reject this bill in favor of policies that will better serve the needs of all our children.

Thank you for your time and consideration.

Erin Price, Bismarck, ND

Testimony in Opposition to SB 2244

Dear Senators,

I am writing to strongly oppose Senate Bill 2244. As a parent, I care deeply about the upbringing of my child. I also recognize the important role that schools play in providing a well-rounded education. I have always had the ability to discuss moral and religious topics with my family, while appreciating that my child will encounter a variety of perspectives in public school. This exposure to diverse views, traditions, and cultures is a vital part of education and helps prepare students to understand the world.

There are several provisions in this bill that I find deeply concerning:

1. **Overburdening Teachers and Schools**

The requirement for teachers to report every single topic discussed with students is impractical and unsustainable. Educators are already committed to involving parents in their children's education, but this legislation demands an unattainable level of micromanagement. With growing class sizes, increasing school populations, and expanding responsibilities, our teachers are already stretched thin. Many talented educators are leaving the profession due to burnout, and this bill will only worsen the strain on our education system.

2. **Erosion of Individual Rights**

This bill imposes massive restrictions on students' individual rights. Children, while under their parents' care, are still individuals with their own identities and choices. For example, the provision requiring parental consent for a child to use a name other than their legal name is overly restrictive and demeaning. Would parents need to sign off on simple nicknames? This legislation disregards students' autonomy and individuality, creating an oppressive environment that could harm their mental health.

3. **Negative Impact on Students' Social and Emotional Well-being**

Allowing parents to remove their child from activities, assemblies, or field trips not only isolates students but also denies them important social and developmental opportunities. School is not just about academics; it is about building friendships, participating in community, and learning to navigate the broader world. These restrictive measures will only further alienate students and erode the mental health of an already struggling age group.

This bill does nothing to foster morality or improve education. Instead, it risks creating an oppressive and harmful environment for students and places an unrealistic burden on educators.

I urge you to oppose Senate Bill 2244 and instead focus on meaningful initiatives that enhance education for all students. Let's work on increasing graduation rates, supporting mental health, and creating positive learning environments. Parents should have a voice in their children's upbringing, but that voice should not come at the expense of students' individuality, rights, and educational experiences.

Thank you for your time and thoughtful consideration.

Sincerely,

Kristin Michels

Resident of District 3

Dear Committee,

I am a lifelong resident of North Dakota, raised on a farm and educated in a rural school. I treasure the experiences that upbringing provided. I am also a queer woman, which has shaped my perspective on living and thriving in this state. Holding both of these identities can be challenging at times, but they fuel my deep desire for a better, stronger North Dakota—a North Dakota that gives its young people a reason to stay, build their lives, and contribute to their communities. I fear that passing this bill would do the opposite.

As I see it, this bill is both unnecessary and harmful to students, teachers, and the broader school community. Teachers are already overworked, and requiring them to provide materials for lessons—materials that often evolve daily—adds yet another burden to their already heavy workload. Parents already have avenues to engage with their children's education and the school system. This bill does nothing to enhance those opportunities, making it redundant and unhelpful.

I am particularly troubled by the sections of the bill addressing gender, sexuality, and pronouns. These provisions could create an environment of mistrust between students and teachers, putting vulnerable children at risk. For many young people, the ability to confide in a teacher about personal matters is crucial to their safety and well-being. Requiring teachers to report on aspects of a student's identity—particularly to parents who may hold discriminatory beliefs—could lead to emotional or physical harm for these children. This bill risks stripping young people of the safe spaces they rely on at school, with devastating consequences for their mental and emotional health.

Moreover, this bill empowers individuals with harmful intentions. It provides parents who may approach these matters in bad faith with more tools to intimidate teachers and school staff. Teachers, already stretched thin and underpaid, would face the threat of legal action for perceived violations. This disproportionate response undermines the collaborative relationships that should exist between parents and educators. Instead of fostering communication, this bill encourages conflict and creates an adversarial dynamic.

Every provision in this bill seems to reflect an attempt to micromanage and control children and teachers beyond what is reasonable. This governmental overreach prioritizes control over trust, collaboration, and the well-being of our students and educators.

For all these reasons, I strongly urge the committee to issue a **DO NOT PASS** recommendation for this bill. North Dakota's children, families, and educators deserve better.

Respectfully,

Kayla Coenen

I am writing to **oppose SB 2244** due to the implications it has to negatively affect our children's mental health and physical safety. As someone who works with LGBTQIA+ youth and as someone who once was an LGBTQIA+ youth I understand the consequences this bill can have for many of them. Many of my friends and peers did not come out to their parents until later in life due to fear of abuse and becoming unhoused. This bill would force the school to force children to disclose their gender identity when it is not safe to do so to their parents. This will not only put a burden on our children but it will also put an additional burden on our child welfare system which is currently overwhelmed by the amount of reports of abuse and unhoused youths. These children will end up unhoused if this bill passes.

Please do not vote for SB 2244



*Great Public Schools**Great Public Service*

**Testimony before the Senate Judiciary Committee
In opposition of SB 2244
Michael Geiermann, North Dakota United
January 29, 2025**

Chairperson Larson and members of the Senate Judiciary Committee. I am Michael Geiermann. I serve as general counsel for North Dakota United. I appear before you today in opposition to SB 2244. This bill purports to grant to parent's fundamental rights to direct their children's education, health care and mental health. The state, political subdivisions and other governmental agencies may not interfere with the exercise of those rights without showing, presumably in a court room, a compelling governmental interest and that the governmental action is the least restrictive method possible. The scope of this bill is incredibly broad. I am only here to address the issues as they relate to education. I am not going to address issues related to health care or mental health. While the bill provides a number of instances of how parents can control their child's education, in the event that control is infringed upon, it then authorizes litigation against the offending parties whether it is the state, political subdivision or an individual employee.

To stand before this committee and oppose this bill may be seen by its supporters as anti-parent. Testifying against parental control will not be taken well by some and will serve as ammunition to criticize the teachers of North Dakota. Nothing could be further from the truth. Teachers welcome parental involvement in their child's education. Teachers want the insight of parents on how best to disseminate ideas and information to students. Teachers encourage parents to get involved in not only the curriculum of the school but all the school-related activities. This bill is not about maximizing parental involvement or participation. It's about changing the very method of providing education to the children of this state. It's about granting absolute control to parents over their children's education and ensuring that control with the threat of lawsuits.

In reviewing this bill, the first issue to be discussed is the establishment of a fundamental right. A fundamental right generally has its origins in the Constitution, not in statute. What does that term "fundamental right" mean in the context of this bill? Do these fundamental rights have their origin in the U.S. or N.D. Constitution? Have the fundamental rights supposedly to be established in this bill been recognized by the North Dakota Supreme Court? Or are these fundamental rights created by the legislature? Can the legislature create a fundamental right to allow a parent to control their child's education? The North Dakota Supreme Court has recognized the fundamental right of a parent to raise their children. However, that right is not unlimited. It is beyond question in this jurisdiction that parents have a fundamental constitutional right to parent their children which is of the highest order. . . . Only a compelling state interest justifies burdening the parent's fundamental right to enjoy a relationship with his or her child, and the state must bear the burden of demonstrating the necessity for doing so in this instance.

However, in the cases decided by the North Dakota Supreme Court in which the Court has addressed a parent's fundamental right to raise their children, those cases did not present the issue of whether parents had fundamental constitutional right to control their child's education. Furthermore, the North Dakota Constitution does provide the right to a public education is a fundamental right. The education provided in North Dakota is to be uniform. Article VIII of the North Dakota Constitution requires:

Section 2. The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.

Section 3. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

Section 4. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

However, the constitutional right to education did not create an absolute right of parents to control that right as set forth by the framers of our Constitution. Nor is there a fundamental right to control education reserved to parents in the Constitution. Before the merits of this bill can be considered, the issues relating to the purported establishment of a fundamental right by the legislature must be initially addressed.

As drafted, the term used in this bill as it relates to a parent's fundamental right is the term "to direct" the child's education. (Page 2, Lines 3-6) The term is not defined in the statute. Words in statutes are to be understood in their ordinary and everyday meanings. Oftentimes, the North Dakota Supreme Court will look to a dictionary to define an undefined word in a statute. The term "direct" is defined as "to regulate the activities or course of," "to carry out or supervise" and "to dominate and determine." It could be argued "to direct" means to control.

The bill amends N.D.C.C. sec. 14-09-32.1 passed during the 2023 Legislature. That statute established as the public policy of this state that a parent retains the right to exercise primary control of a child's care, supervision, upbringing and education. In SB 2244, the addition of the term "fundamental" changes the current law. (Page 1, L.12). It is an attempt to strengthen the current law by adding the term "fundamental." As stated above, there is a legitimate question as to whether the Legislature can designate a right as fundamental. This parental right to control the education of a child is not absolute as the state or school district can infringe upon that right by showing a compelling governmental interest and that the infringement is the least restrictive method. There are limitations placed upon the rights of the parents.

However, the bill then contradicts the above referenced provisions by stating that parental rights are reserved exclusively to a parent “without obstruction by or interference from the state, political subdivision, or other public institution” to direct the education of a child and to make reasonable choices within a public school for the education of the child” (Page 2, lines 1-6). The statute uses the word “reserved exclusively.” Do these rights already exist or are they created under this statute? If they already exist, where are they found in the Constitution? It also appears the state’s or a school district’s ability to object to the control of a parent is eliminated as the bill states “without obstruction by or interference.” The Parental control provision appears to be absolute.

This bill allows parents to control their child’s education within the framework of the public school system. It allows parents to make “reasonable choices within a public school for the education of their child.” (Page 2, lines 5-6). What is the definition of reasonable? Anything the parent wants for the education of their child, short of abuse and neglect, will be seen as reasonable because by its terms, a teacher, the school district and the state have no authority to object or refuse the demand of the parent. The parents run the show!!

The bill, in section 2, then requires significant involvement of the school district in drafting and enforcing policies relating to the exercise of these parental rights. The bill requires the development of a plan for parent participation designed to improve parent and teacher cooperation in the areas of homework, attendance, and discipline. Since the rights are individual to each parent, does that require a personalized plan for each parent? Does the parent have the right to control when their student does homework, attends certain classes or the type of discipline for the child? And if a school district sets forth a plan and the parent objects, does the school district and teachers relent and allow for the parents control because of fear of litigation? Of course, under the statute, if the school district or the teacher cannot come up with an approved plan with the parent, they face the possibility of being sued and paying attorney fees. (Page 5, lines 10-13).

The district and ultimately the teachers who establish the curriculum are then required to establish a policy to notify the parents at least three days in advance if the class will be discussing anything to do with gender or sexual issues. If the parent objects, their child may be excused from the lesson on the material. This provision of this section of the bill is straight forward. (Page 4 lines, 10-14).

The portion of the bill which is confusing and ambiguous is the requirement to establish procedures for a parent to object to a specific presentation or instruction which conflicts with the parents religious or moral beliefs or practices. (Page 4, Lines 14-17) Who determines if the presentation or instruction of a particular subject or topic violates a particular parents religious or moral beliefs or practices? It appears the parent has an unfettered right to do so and if the district or the teacher believes otherwise or disagrees, they get sued. (Page 5, Lines 10-13). The examples of the unworkable nature of these procedures are obvious. The identification of hot button issues is easy for the proponents: gender issues, sex, AIDS. The examples are much more difficult when the issues are the

instruction and explanation of slavery in the United States, the Civil War, the Holocaust, the internment of patriotic Japanese Americans during World War II, the need for a Civil Rights Act, Watergate or January 6. If a parent believes these topics are harmful to their child, under this bill, the child is excluded. Does the child simply skip those lessons? Is there an alternative lesson to be taught? Is the teacher required to teach that the Civil War was about state's rights and not about slavery? Are those subjects then excluded from the test? Does the child whose parents have excluded them from the class or lesson receive the same grade and credit as compared to a child who attends all the lessons or presentations? Does the objection by a few parents deny someone else's child in the class their constitutional right to learn about "harmful" topics? It will be far easier for a teacher to exclude a "harmful" topic from the curriculum than to get sued.

This bill in essence creates another layer of administration for teachers. If an elementary teacher has 29 students in her classroom, under this bill, the teacher has to now legally answer to 29 sets of new administrators on how the teacher believes the students should be taught. That number will grow if the parents are divorced. If the teacher works in a high school, that teacher must now answer legally, with the threat of litigation, to an extraordinary number of parents who now have the same authority as administrators when it comes to subject matter, curriculum, presentation of that curriculum and academic freedom.

While the current system may not be perfect, North Dakota teachers, administrators and school districts provide one of the best educational systems in the country to their students. The system can always be improved. This bill is not an improvement. It is a hinderance. There are mechanisms in place for teachers and administrators to seek, receive and implement parental input as to the education of their students. This bill simply increases the pressure on already overworked and underappreciated teachers and administrators.

This bill does not help alleviate the critical teacher shortage we face in this state and all over the nation. North Dakota needs to recruit new teachers, not discourage them. Bills like this will force remaining teachers out of the profession and will cause new teaching candidates to second guess teaching as a potential career path. This bill is simply a blatant form of censorship. Realistically, as soon as the class or lesson is over, the excluded student whose parents believe the content of the lesson was contrary to their religious or moral beliefs can obtain the same information on the internet.

I have watched the teacher shortage crisis evolve in this state for 38 years. I have seen the rights given to teachers continually attacked and diminished. This bill continues that attack. Our teachers deserve respect. They deserve to be trusted as they have earned it. They should not be subjected to lawsuits when they assert a well-intentioned and qualified curriculum for their students.

I would urge a do not pass recommendation from this committee to SB 2244.

To Members of the Committee, as well as senators and representatives at large.

Hello,

My name is Dr. Andrew Larson, I am a resident of Grand Forks, in district 17.

I would like to take the time to voice my opposition to SB2244. This bill on its face presents what are arguably some reasonable things. However nestled in the body of the bill there are some unreasonable provisions that ought to be stricken from the final bill.

Firstly, section 1 Subsection 5, subheading d on line 10 pf page 2. The ability for a parent to direct the religious upbringing of their child. This is a reasonable request, however there is at least one bill being considered in the ND legislature this session which would directly conflict with this provision. The ability for non Christians to raise their children according to their own religious traditions, while the state of ND would like to require the teaching of the 10 Commandments are directly in conflict with one another, as a result one of those two things must be stricken in order to hold any sense of logic.

Secondly, section 1 subsection 5 , subjeading G, on line 13 of page 2. The lack of biometric scanning would presumably include temperature taking. How is a school nurse supposed to assess their patient without taking a temperature? Is the parent required to give permission in writing every time the nurse has to take a temperature? What about hearing and vision tests administered by school staff? This is an unnecessary hurdle for parents, and will only cause confusion. This confusion will in turn only impede our already over taxed school staff.

Thirdly, Section 2 subsection 2, subheading c, beginning on line 1 of page 4, ending on line 9. This entire section sounds like a good thing, allowing for parents to have more control over their student's education can only be a good thing, right? However, this provision would create an undue burden on classroom teachers and other school staff. Providing lesson plans for each individual students, and making them available to parents, and then if there are any questions, or objections tailoring lesson plans for that individual student? This is unrealistic on its very face. Nonsensical at best. Teachers are already being taxed to their limits, and are summarily under compensated for their work, and adding this heap of work on top of them will only worsen the teacher shortage in North Dakota, and further deteriorate the quality of public education in the state. Impacting the long term health of the economy and tax base in the state.

Fourth. Section 2 Subsection 2, subheading d, beginning on line 10 and ending on line 13.

This is discriminatory on its face. There is nothing wrong with alerting parents that their students will receive instruction in the topics of gender identity, sexual orientation, and the like, however require written permission to get that instruction is again needlessly restrictive. Allow parents the ability to opt their students out of that instruction if they so choose, which is a provision in section 2, subsection 2, subheading e. Specifically calling the types of instruction out as relating explicitly to the LGBTQ+ community, notions of gender, and identity, is blatantly discriminatory. Why not call out explicitly other marginalized groups? I am all for allowing parents to have some semblance of control of their child's education, however, being blatantly discriminatory against a specific group is objectively wrong.

Fifth, Section 2 Subsection 2, subheading G, beginning on lines 23 and ending on line 27.

This is blatantly discriminatory. Not allowing a child to use a name that is comfortable for them is nonsensical. If my son Benjamin wanted to adopt his middle name Shannon as his primary moniker, he would be in violation of the law. My son is 5 years old, and is not a trans person, but he would have to change his name at school because a group of lawmakers are afraid of a handful of trans kids changing their names to be more comfortable at school? Even if my son was a trans person, what would be so wrong with allowing him to adopt a name that is not his legal name? if it makes him more comfortable then what is the harm? Is it to protect someone who religiously does not believe that a trans person has a right to decide what to call themselves? If so why is that being legislated in the government? The separation of church and state is a thing for a reason. Is it possibly because someone may feel a little icky because that student wants to use a "non-gender conforming" name or pronoun? isn't a teacher's job to look after the well-being of the student first and foremost and if the student is more comfortable using a name that would go toward looking after their well-being. This is again blatantly discriminatory, targeting a marginalized group for no discernable legal reason.

Final thoughts.

This bill is riddled with sections and subsections that are blatantly discriminatory, and place undue burden on educators all in the guise of "parent choice" I am all for parent choice and parent involvement with a child's education. Many of the provisions in this bill are reasonable. However, the ones that are outlined above sour the entire bill.

Teachers already have a tough enough job, chronically under paid, stretched to their limits, and now the state legislators want them to work harder and do more work for their already

paltry salary. North Dakota public education is already on the downhill slide, and taxing teachers with more will only make it worse. Taking valuable education time away from students so teachers can make lesson plans for the one or two students with “objecting” parents. This law will only hurt students. It will not help, it will drive even more teachers out of the profession making school districts rely on overseas hires, which are becoming harder and harder with the national trends. Teacher shortages are real, and it will only get worse with the passage of this bill.

Parents should be able to opt their students out of things that they deem unacceptable. However, the burden should be on the parent not the institution. If a parent is so concerned that their child is being “Indoctrinated” then they can homeschool their child. Intolerance of any kind does not belong in the North Dakota Century code, and that is what this bill presents. Intolerance. Intolerance of the handful of students, likely less than 1 percent of enrollees in North Dakota Public Schools, that some hard line lawmakers are targeting.

Senators Paulson, Lemm, Wobbema, and Representatives Hauck, Steiner, and Rohr, are targeting children with discriminatory legislation. You are going after children because they don’t want to live as you see fit. This is despicable behavior, you are deplorable humans, and your ideologies are backward and belong in the dustbin of history.

Thank you, Chair and members of the Senate Judiciary Committee, thank you for the opportunity to send in my testimony. My name is Karen Krenz, I am from District 1 in Williston and a mother of three boys. I was a teacher and counselor for 23 years in ND. I am asking that you render a DO PASS for SB 2244.

Our role as parents is to guide, protect, and care for our children until they turn 18 and beyond. It is my right as a parent to know if my children are being surveyed, having to conform to things that are not in line with my family values, and to be involved in the choices being made for my children at school. It is important that the state of North Dakota respects the right and responsibility of parents to raise, care for their children and have a voice in their education. Activist educators and overreaching governments play no role in our schools. We want community schools, not government schools!

If a child is expressing signs of mental illness. Why would you not want a parent to know? If a child is requesting to use a different bathroom or locker room. Why would not want a parent to know? If a child is wanting to use a different pronoun or name. Why would not want a parent to know this? Why would you actively hide a course curriculum, the books in the library and the name of a speaker coming in to the classroom. Again, parents have the fundamental right to the upbringing of their children.

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

Karen Krenz

**Senate Judiciary Committee
Jan 29th, 2025 SB 2244
Testimony in Opposition**

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

I urge a "Do Not Pass" on SB 2244, because:

1. Parents already enjoy [fundamental parental rights](#)
2. This bill destabilizes our public institutes ability to operate, especially in regard to child protection, regardless of the supposed exceptions written within this bill.
3. These additional parental rights could conflict with youth's [unalienable right](#) to enjoy life and liberty or pursue and obtain safety and happiness.
4. [State data](#) already reflects bad parents do exist in our state.

In 2023, an especially powerful testimony around virtually the same bill struck my eye:

Samantha Field's from the Coalition for Responsible Home Education spoke this session about not being given a basic education or progressing past the eighth grade reading level because of her parents and the fundamental rights of youth were virtually meaningless. Child Protective Services spoke about the careful balance of their jobs and how bills like this put youth into jeopardy. Our schools have talked about the authority this gives parents as making school virtually impossible, with each teacher now needing to respond to sixty new bosses in each classroom.

During 2023's bill, [SB 2260](#), hundreds of testimony against this bill came from our organizations that protect kids. I'm not sure what this version of the bill is fixing or why we need to try it again. To save everyone hours of time, please vote "Do Not Pass."

Thank you for your time, consideration, and service to our state.
Faye Seidler - fayeseidler@gmail.com

Chairwoman Larson and Members of the Judiciary Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2244.

I am a mother of four kids who have previously been enrolled in North Dakota public education. It is common to hear that school districts encourage parental involvement, but when a parent actually becomes involved they are either completely dismissed or even publicly ostracized at school board meetings for raising questions of concern; at least this has been my experience. This type of behavior from the school district towards a parent can either discourage parents from engaging in their children's education or, ultimately, motivate them to withdraw their children from public schools altogether; for me, it was the latter.

There are a number of reasons I support this bill and one important reason would be the parental right to request curriculum review. In October of 2022 I requested to review 2 of my 4 children's curriculum, and in return I was provided a fee in the amount of \$615.87. I encourage you to consider why a school district would impose such an unreasonable fee on a parent to simply review their child's curriculum. Furthermore, why was I being charged in the first place? To this day, the rationale for this fee remains unclear. This experience played a significant role in my decision to homeschool my

children. The lack of transparency and the disregard for my involvement as a parent significantly undermined my trust in the public education system.

Later that same school year, when my son was in 8th grade, I discovered that he was receiving classroom instruction that I had explicitly opted him out of. I had formally requested that my children not participate in social-emotional learning, yet the curriculum was still being taught in his health class under the label of “social-emotional health.” Upon addressing this with the school district, it became evident that they were unprepared for such a situation. After reviewing the health class curriculum, they recognized my concerns were valid but failed to offer a reasonable resolution. Their only alternative was to have my son spend each health class period in the principal’s office completing other unrelated work. The curriculum used in his health class directly disregarded my parental right to opt him out of SEL, leaving the only available solution to be his complete removal from the class with no credit earned at the end of the school year. It is deeply concerning that the school district’s best course of action was not to offer an alternative curriculum or accommodation, but instead to exclude him entirely from the class. If I am being honest, I couldn’t help but wonder if this was the reason they imposed a \$615 fee to review his curriculum that year; given that, if my son hadn’t brought this to my attention, I would have never known.

Lastly, I would like to emphasize the importance of obtaining parental consent prior to a child’s participation in any presentations or instruction

related to gender identity or the sexual stereotypes outlined in this bill. This issue navigates a delicate balance between moral and religious upbringing, and it should be exclusively the parent's right to be informed and give consent before their child receives this type of instruction. I would also like to raise the question: why is it necessary for schools to present, educate or have any knowledge of any child's sexual orientation or sexual relationships? How does this kind of instruction contribute to a student's academic success? These sensitive topics should primarily be addressed at home with parental guidance, or, at a minimum, it should certainly require parental consent if it is taught in school.

I am a strong advocate for Senate Bill 2244 and respectfully urge you to support it, as it will protect parental rights and promote greater parental involvement in their children's education. Thank you for your consideration on this important matter and for your dedicated service to the state of North Dakota.

Kimberly Hurst

Catherine Benton

SB 2244

January 28, 2025

I am writing on behalf of myself as an individual citizen of North Dakota to strongly oppose SB 2244. As a parent, I care deeply about my child's upbringing and recognize the crucial role that schools play in providing a well-rounded education. While I wholeheartedly support increased parental involvement in children's education, I find this bill unnecessary, unreasonable, and impossible to enforce.

Parents already have the right to be involved in their children's schooling and have been given plenty of tools to do this. However, demanding course information or teacher training materials with three days' notice is impractical. Classroom education is not always that structured, and plans can easily be taken off track by inquisitive students or delayed by lack of understanding. This bill highlights a significant problem with politics and education: many politicians do not understand what it's like to be in a classroom today.

There are several provisions in this bill that I find deeply concerning:

1. **Overburdening Teachers and Schools:** The requirement for teachers to report every single topic discussed with students is impractical and unsustainable. Educators are already committed to involving parents in their children's education, but this legislation demands an unattainable level of micromanagement. With growing class sizes, increasing school populations, and expanding responsibilities, our teachers are already stretched thin. Many talented educators are leaving the profession due to burnout, and this bill will only worsen the strain on our education system. It's exactly the reason I stepped away from K-12 education, but I will continue to advocate for the educators still doing the amazing work of educating our youth.
2. **Erosion of Individual Rights:** This bill imposes massive restrictions on students' individual rights. Children, while under their parents' care, are still individuals with their own identities and choices. For example, the provision requiring parental consent for a child to use a name other than their legal name is overly restrictive and demeaning. Would parents need to sign off on simple nicknames? This legislation disregards students' autonomy and individuality, creating an oppressive environment that could harm their mental health.
3. **Negative Impact on Students' Social and Emotional Well-being:** Allowing parents to remove their child from activities, assemblies, or field trips not only isolates students but also denies them important social and developmental opportunities. School is not just about academics; it is about building friendships, participating in community, and learning to navigate the broader world. These restrictive measures will only further alienate students and erode the mental health of an already struggling age group.

Instead of supporting bills like SB 2244, I encourage you to do the following: 1) Spend a day in a classroom at your local school and 2) Develop other legislation that helps fund education, infrastructure, counseling, special education, salaries, and benefits. Parents already have the ability to be involved in a child's education; they don't need a law to do this. They simply need to take the initiative and support their children and the teachers who care for them thousands of hours each year.

This bill does nothing to foster morality or improve education. Instead, it risks creating an oppressive and harmful environment for students and places an unrealistic burden on educators. I urge you to oppose Senate Bill 2244 and instead focus on meaningful initiatives that enhance education for all students. Let's work on increasing graduation rates, supporting mental health, and creating positive learning environments. Parents should have a voice in their children's upbringing, but that voice should not come at the expense of students' individuality, rights, and educational experiences.

Thank you for your time and thoughtful consideration.

Catherine Benton

Clbenton@hotmail.com

2025 SB 2244
Senate Judiciary Committee
Senator Diane Larson, Chairman
January 29, 2025

Chairman Larson and members of the Senate Judiciary Committee, I am Brittney Blake, Corporate Counsel of the Altru Health System. I am here to testify in opposition to Senate Bill 2244. I ask that you give this bill a **Do Not Pass** recommendation.

As a healthcare organization, it is our practice to obtain consent, communicate and involve parents in their child's care every step of the way. In very limited situations, our providers are able to care for teen patients individually through the guidance of Chapter 14 of the North Dakota Century Code. SB 2244 conflicts with these longstanding laws passed by the North Dakota legislative assembly that govern when minors may consent to their own health care or when consent is implied, such as when there is an emergency involving a minor and the parent is not there to give consent immediately. Current North Dakota law gives minors the right to consent to treatment in a few specific situations:

1. N.D.C.C. § 14-10-17, which provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.
2. N.D.C.C. § 14-10-17.1, which provides that a minor may contract for and receive emergency examination, care, or treatment in a life-threatening situation without the consent of the minor's parent or guardian. If a minor has an emergency medical condition or the potential for an emergency medical condition, consent to emergency examination, care, or treatment of the minor is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful. It also provides that a health care provider may provide emergency medical care or forensic services to a minor who is a victim of sexual assault without the consent of the minor's parent or guardian. Reasonable steps must be taken to notify the minor's parent or guardian of the care provided.
3. N.D.C.C. § 14-10-18.1, which provides that an individual who is at least 16 years of age may donate blood on a voluntary and non-compensatory basis without obtaining the consent of the individual's parent or guardian.

4. N.D.C.C. § 14-10-19, which provides limited prenatal care, pregnancy testing, and pain management related to pregnancy for a minor without a parent's consent. A health care provider may provide prenatal care beyond the first trimester of pregnancy or in addition to the single prenatal care visit in the second or third trimester if, after a good-faith effort, the health care provider is unable to contact the minor's parent or guardian. The law requires that if a minor requests confidential services, the health care provider shall encourage the minor to involve her parents or guardian. The health care provider may inform the parent or guardian of any pregnancy care services in certain circumstances.
5. N.D.C.C. § 14-10-20, which just passed last session, allows an unaccompanied homeless minor to consent to health care (other than an abortion).

If this bill passes, it will override these longstanding laws that allow minors to consent to their own health care in these limited circumstances, and will create confusion and delay in care, if healthcare providers are required to contact both parents prior to treating a patient. We are mainly concerned about the teens in emergent need of care without a parent or both parents present in our Emergency Department. SB 2244 will override longstanding law that provides implied consent to save lives.

We are very concerned that the bill would ignore the rights and medical needs of our patients and may delay care.

For these reasons, we ask that you give the bill a **Do Not Pass** recommendation.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Brittney Blake



Testimony in Support of Senate Bill 2244

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 28, 2025

Good morning, Madam Chair Larson and honorable members of the Senate Judiciary Committee. My name is Jacob Thomsen, and I am a Policy Analyst with North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in favor of Senate Bill 2244 and respectfully request that you render a "DO PASS" on this bill.

The family is the fundamental building block of society, and parents are the primary stakeholders in a child's well-being. They should always know what is going on in their child's life so that they may parent the child in the most appropriate manner with regard to their unique characteristics and environment.

A parent ought to know what is being taught to their child in the school system. It is a parental responsibility to take part in their child's education. They should know about and have the choice of whether or not to subject their children to controversial topics that may be presented in the classroom. With the arrival of COVID, many parents needed to be more directly involved with their children's classroom materials, and they were shocked at what they found. It should not take a pandemic to ensure parents know what their children are learning.

This bill supports that parents are the final arbiters in their child's education, mental health treatment, moral and religious training, and general upbringing. This is entirely consistent with biblical mandates, our organization's values, and those of thousands of our constituents across North Dakota. Because of these reasons, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on Senate Bill 2244.

Thank you for the opportunity to testify. I'd be happy to answer any questions.

Testimony in Opposition to SB2244

Chairperson Larson and members of the Senate Judiciary Committee.

My name is Leslie Bieber, and I am the Superintendent of Alexander Public School District. I am here to testify in strong opposition to SB2244.

Teachers and principals work tirelessly to engage parents in their child's education through multiple forms of communication. Teachers regularly reach out via email, phone calls, texts, through platforms that allow real time communication, and parent-teacher conferences to keep families informed and involved. All staff emails are readily available on the school website, and we have a phone app specifically designed to provide important updates and streamline communication with parents. Schools consistently make efforts to connect with families, ensuring they have access to the information and support they need to be active partners in their child's education.

SB2244 requires districts to write descriptions about every extracurricular club, field trip, etc. Parents already have the ability to inquire about and engage with their children's activities. If parents feel they are not receiving answers, we have policies to file a complaint against personnel, curriculum, bullies, just about anything.

It is important to note that if a parent feels their rights have been violated, they already have legal recourse. Parents can sue school districts if they believe their rights have been infringed upon. This mechanism ensures accountability without the need for additional legislation.

The provision in SB2244 allowing parents to excuse their children from activities or instruction based on moral or religious objections. It leaves it wide open! It opens the argument that the reason Johnny did not complete an assignment is because it was against their moral beliefs. Similarly, the provision allowing parents to excuse their children from school attendance for religious reasons opens the door for abuse of it. Chronic absenteeism is already a national crisis, and SB2244 could exacerbate the issue. If we want higher test scores, choice-ready students, and greater engagement, students must be in school. Allowing vague or unchecked excuses for absences undermines these goals.

Parental rights are fundamental, and they are already protected by current policies. Opposing this bill does not mean that I oppose parental rights, in contrary I welcome parental engagement but SB2244 is not the right pathway to reach it. I ask for a no vote on SB2244.

Good morning Madame Chair and members of the Judiciary Committee. For the record, my name is Senator Bob Paulson from District 3 in Minot. I'm here to introduce SB 2244.

SB 2244 is a bill to codify parental rights in North Dakota. The US Supreme Court found in the 1977 case of *Washington v. Glucksberg* that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children. In the 2000 case of *Troxel v. Granville*, the US Supreme Court found that "The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a 'better' decision could be made."

While the number varies by interpretation, approximately 32 states recognize fundamental parental rights and call for strict scrutiny as a matter of judicial precedent. 18 states have codified the fundamental rights of parents in their law, so this is not new ground that is being plowed here.

We have seen the challenge to parental rights nationally, for example, as parents learned more about what their children were being taught during COVID, they raised concerns at school board meetings and were met with threat of FBI investigation. That wasn't limited to any one state—the FBI's memo applied nationwide, including right here in North Dakota.

As I have spoken with parents and teachers from across the state, they shared things of concern that have gone on in North Dakota. Things like:

- Parents having to pay hundreds of dollars via an open records request to review their children's curriculum
- Children in elementary school being given surveys that asked questions about gender identity without parental notification
- Children being asked what their preferred pronouns or preferred names are, allowing for the use of a name or identity of the opposite sex without parental notification.
- Policies that allow biological males to use female bathrooms (K12)
-
-

- Books in school libraries that describe how to get an app that is used to find others in your area interested in gay sex. This book and others describe specific techniques and recommendations for how to engage in gay sex. There is a direct and proven link between the app that is recommended in the book and human trafficking in our country. The parents I spoke with who had children in the school were unaware of these books. Additionally, the leadership of the school district was unaware that these books are in the library.
- Of particular concern are policies that have been adopted by school districts in North Dakota that state, "School staff shall not disclose any information that may reveal a student's transgender status to others, including parents or guardians and other school staff unless legally required to do so or the student has authorized such disclosure." This language comes from a model policy provided by the North Dakota School Board's Association.

Madam Chair and committee members, the list is much longer, but in the interest of time I just provided highlights.

The most telling thing to me was that the teachers who talked to me either refused to put things in writing, or only did so with assurances from me that I would not name them in my testimony. Think about that why that might be.

These things going on in our state are why I felt it was critical to introduce this bill.

Here are some things I believe we need to establish in North Dakota, and this bill seeks to do just that:

1. That Children are born to parents and into families that form the building blocks of a society.
2. That the laws of a society should affirm the natural order of parents raising their children and reject the idea that children are products and property of the government.
3. That we must protect the fundamental right and duty of parents to direct the upbringing and education of their children.

When it comes to Public School Curricula, there should be:

Accountability: Teachers and school administrators should not betray parents' trust by hiding information or indoctrinating students with ideas directly contrary to their family's sincerely held beliefs.

Choice: Parents should know what their children are taught and should have the freedom to opt-out of controversial curriculum.

Transparency: Parents are ultimately responsible for their children. Public schools have a responsibility and duty to be transparent about what they are teaching children and to respect parents' wishes when it comes to divisive and potentially harmful issues including gender ideology or things like critical race theory.

A parent's right to direct their children's upbringing doesn't end at the schoolhouse door.

I would like to briefly go through the bill.

Madam Chair, it was an oversight on my part that an emergency clause was included in this bill. While I think the content is of utmost importance, I don't believe the emergency clause is necessary and I would request that the committee consider amending that out.

Madam Chair, that concludes my testimony and I would be happy to stand for any questions.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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SB 2244
Testimony of Amy De Kok
Senate Judiciary Committee
January 29, 2025

Chair Larson and members of the Senate Judiciary Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. NDSBA represents all 168 public school districts and their governing boards. While I respect the intent to promote parental involvement in education, I strongly oppose this legislation. There is no question that parents deserve a say in shaping their children's education; they have moral and legal responsibility for their children, and the freedom to make fundamental decisions for their families. The rallying cry of parents' rights is being used for more than just amplifying parents' voices—it is contributing to turning public schools into arenas of political conflict, straining community relationships, and redirecting valuable time and energy away from teaching and learning.

Brief History of Parental Rights

Section 1 of SB 2244 expands and reinforces parental rights by granting parents exclusive authority over their child's education, health, and upbringing, restricting government interference, mandating parental consent for certain school and medical decisions, and providing legal recourse for perceived violations.

The U.S. Supreme Court has long recognized the importance of parental involvement in children's education. In *Meyer v. Nebraska* (1923), the Court held that parents have a right to guide their children's education under the Fourteenth Amendment. Similarly, in *Pierce v. Society of Sisters* (1925), the Court ruled that parents can choose whether their children attend public, private, or religious schools, reinforcing parental authority in determining the type of education their children receive.

The Supreme Court has broadly recognized parental rights under the Fourteenth Amendment but has not specifically addressed their intersection with school curricula. Several federal circuit courts have ruled on the issue, generally limiting parental rights within public schools:

- **Parental Rights and Curriculum Control:** Most federal circuit courts, including the Sixth, Second, Tenth, and First Circuits, have held that while parents have the right to decide which

- The state acknowledges this right as a matter of public policy while balancing its compelling interest in protecting children from abuse and neglect.

Furthermore, during the last legislative session, the ND Legislative also considered and rejected a bill that was nearly identical to SB 2244. This prior rejection demonstrates that the provisions of SB 2244 are not only unnecessary but fail to address any substantive gaps in the law. Combined with the comprehensive parental rights codified under HB 1362, this bill is redundant and serves no practical purpose.

Additionally, NDSBA is not aware of instances where parents have been denied access to their child's educational records, school policies, or opportunities to engage in their child's learning indicating a system problem or the need to pass additional legislation. Current practices already provide parents with extensive access and involvement in their children's education, making SB 2244 superfluous.

Existing Efforts to Maximize Parental Involvement

Public schools already implement extensive measures to ensure meaningful parental engagement. These include:

- **Collaborative Development of Policies:** Parents are actively involved in the creation and review of district-level improvement plans and curricula.
- **Transparent Communication:** Schools regularly communicate with families about student progress, educational goals, and opportunities for involvement through meetings, progress reports, and parent-teacher conferences.
- **Support for Diverse Needs:** Schools accommodate parents of all backgrounds, offering resources in multiple languages and providing accessibility support for families with disabilities or other challenges.

These measures are designed to ensure that parents are informed, engaged, and empowered in their children's education without placing undue burdens on schools or staff.

Parents already have the right to review curricula, attend school meetings, and participate in their children's education. This bill imposes duplicative requirements that would overburden educators without providing additional benefits.

Concerns with the Legal Remedy and Indemnification Provision in SB 2244

I also have significant concerns with the legal remedy and indemnification provisions found in this bill, namely subsection 8 of Section 1 of the bill (which starts on line 15 on page 3) and subsection 5 of Section 2 of the bill (which starts on line 10 on page 5). This language requires the school district to pay the attorneys' fees and legal costs of parents who assert a violation regardless of whether those claims



2025 SB 2244
Senate Judiciary Committee
Senator Diane Larson, Chairman
January 29, 2025

Chairman Larson and members of the Senate Judiciary Committee, I am Melissa Hauer, General Counsel/VP of the North Dakota Hospital Association (NDHA). I am here to testify in opposition to Senate Bill 2244. I ask that you give this bill a **Do Not Pass** recommendation.

It is a long-established principle that before treating a patient a health care provider must obtain the consent of that patient. The idea that parents should have the right and responsibility to make health care decisions for their children seems entirely reasonable. This is already the state of the law and is standard practice – before treating a minor patient consent must be obtained from a parent or legal guardian. There are a few exceptions to this general rule when dealing with teenage patients which is explained in more detail below. Some provisions of the bill would change these longstanding North Dakota law regarding minors' ability to consent to their own treatment in certain circumstances and other provisions of the bill are simply unworkable.

Hospitals' main concern with the bill is that it would overturn longstanding laws passed by the North Dakota legislative assembly that govern when minors may consent to their own health care or when consent is implied, such as when there is an emergency involving a minor and the parent is not there to give consent immediately. The legislature determined that, in certain circumstances, it may be more important for a young person to have access to confidential medical services than it is to require that parents be informed of the situation. For example, current North Dakota law gives minors the right to consent to treatment in a few specific situations:

1. N.D.C.C. § 14-10-17, which provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2244
2/3/2025

Relating to parental involvement in a child's education and relating to a parent's interest in a child's upbringing; and to declare an emergency.

10:20 a.m. Chair Larson opened the hearing.

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Proposed Amendment
- Emergency clause

10:21 a.m. Senator Paulson moved amendment LC# 25.0808.01001.

10:22 a.m. Senator Myrdal seconded.

10:22 a.m. Voice Vote. Motion Passed.

10:23 a.m. Senator Myrdal moved a Do Pass as amended.

10:23 a.m. Senator Luick seconded.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	N
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 6-1-0.

10:38 a.m. Senator Castaneda will carry the bill.

10:38 a.m. Chair Larson Closed the hearing.

Kendra McCann, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2244

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Hauck, Steiner, Rohr

2.3.25
JB 1085

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to parental involvement in a child's education; and to amend and reenact
3 section 14-09-32.1 of the North Dakota Century Code, relating to a parent's interest in a child's
4 upbringing; ~~and to declare an emergency.~~

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

6 **SECTION 1. AMENDMENT.** Section 14-09-32.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **14-09-32.1. Parent's interest in child's upbringing.**

- 9 1. As used in this section, a "parent" means parent or legal guardian not including a
10 school or other institution serving in loco parentis.
- 11 2. It is the public policy of the state that:
- 12 a. A parent retains the fundamental right and duty to exercise primary control over
13 the care, supervision, upbringing, and education of the parent's child;
- 14 b. A child has the right to protection from abuse and neglect; and
- 15 c. The state retains a compelling interest in preventing, assessing, investigating,
16 addressing, and prosecuting abuse and neglect.
- 17 3. This section may not be interpreted to supersede chapters 27-20.1, 27-20.2, 27-20.3,
18 and 27-20.4.
- 19 4. Notwithstanding any other provision of law, a state or local government entity may not
20 burden substantially a parent's fundamental right to exercise primary control over the

EB 2085

care, supervision, upbringing, and education of the parent's child, unless applying the burden to the parent and the child is:

a. Essential to further a compelling state interest; and

b. The least restrictive means of furthering that compelling state interest.

5. Parental rights are reserved exclusively to a parent of a child without obstruction by or interference from the state or a political subdivision or other public institution, including the right to:

a. Direct the education of the child, including the right to choose public, private, parochial, or home schooling, and the right to make reasonable choices within a public school for the education of the child;

b. Access and review any educational record relating to the child that is controlled by or in possession of a school or school board;

c. Direct the upbringing of the child;

d. Direct the moral or religious training of the child;

e. Make and consent to a physical or mental health care decision for the child;

f. Access and review any health or medical record relating to the child;

g. Consent in writing before a biometric scan of the child is made, shared, or stored;

h. Consent in writing before a record of the child's blood or deoxyribonucleic acid is created, stored, or shared, unless authorized pursuant to a court order;

i. Consent in writing before a governmental entity makes a video or voice recording of the child, unless the video or voice recording is made during or as part of:

(1) A court proceeding;

(2) A law enforcement investigation;

(3) A forensic interview in a criminal or department of health and human services investigation;

(4) The passive security or surveillance of buildings or grounds; or

(5) Any event during which an individual does not have a reasonable expectation of privacy;

j. Promptly be notified by an authorized representative of the state or a political subdivision or other public institution if an employee of the entity or institution suspects abuse, neglect, or other criminal offense has been committed against

JB 3d5

- 1 the child, unless the employee has reasonable cause to believe a parent of the
- 2 child committed the offense;
- 3 k. Opt the child out of any personal analysis, evaluation, survey, or data collection
- 4 by a school district except what is necessary to establish a student's educational
- 5 record;
- 6 l. Have the child excused from school attendance for religious purposes; and
- 7 m. Participate in parent-teacher organizations and other school organizations.
- 8 6. This section does not:
- 9 a. Authorize or allow a parent to abuse or neglect a child as provided under
- 10 sections 14-09-22 and 14-09-22.1;
- 11 b. Apply to a parental action or decision that would end life; or
- 12 c. Prohibit a court from issuing an order otherwise permitted by law.
- 13 7. An employee of the state or a political subdivision or other public institution, except for
- 14 law enforcement personnel, may not encourage or coerce a child to withhold
- 15 information from the child's parent and may not withhold information that is relevant to
- 16 the physical, emotional, or mental health of the child from a child's parent.
- 17 8. A parent claiming to be aggrieved by a violation of this section may assert that
- 18 violation as a claim or defense in a judicial proceeding and obtain appropriate relief,
- 19 including costs and reasonable attorney's fees. A school board shall indemnify and
- 20 hold harmless all school personnel for any violations of this section.

21 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Parental involvement in child's education.**

- 24 1. As used in this section, a "parent" means parent or legal guardian of a student of a
- 25 public school within the school district. The term does not include a school or other
- 26 institution serving in loco parentis.
- 27 2. The board of each school district shall:
- 28 a. Create a plan for parent participation in the school district, which must be
- 29 designed to improve parent and teacher cooperation in homework, attendance,
- 30 and discipline;

Am 4085

- 1 **b.** Provide parents with information about how to participate in the governance of
- 2 the school district through the elected school board;
- 3 **c.** Upon request, provide information to a parent about the course of study and
- 4 curriculum for the parent's child, including permitting a parent to:
- 5 (1) Review curriculum or teacher training materials for each class or course in
- 6 which a parent's child is enrolled;
- 7 (2) Review descriptions of assemblies, guest lectures, field trips, or other
- 8 educational activities facilitated by the child's school; and
- 9 (3) Meet with the teacher of the class or course, the school's principal, or
- 10 another representative from the school to discuss the relevant curriculum,
- 11 teacher training materials, or educational activities;
- 12 **d.** Notify a parent at least three days in advance and obtain the parent's written
- 13 consent before the parent's child receives instruction or attends a presentation
- 14 relating to gender stereotypes, gender identity, gender expression, sexual
- 15 orientation, or sexual relationships;
- 16 **e.** Permit a parent to withdraw the parent's child from instruction or presentations,
- 17 assemblies, guest lectures, field trips, or other educational activities facilitated by
- 18 a school, including those conducted by outside individuals or organizations,
- 19 conflicting with the parent's religious or moral beliefs or practices;
- 20 **f.** Upon request, provide a parent with information about the nature and purpose of
- 21 clubs and extracurricular activities at the school and may withdraw the parent's
- 22 child from a club or extracurricular activity. A student shall provide a signed
- 23 parental permission form before participating in a club or extracurricular activity at
- 24 the school;
- 25 **g.** Obtain a parent's written consent before the parent's child uses a name other
- 26 than the child's legal name, derivative of the child's legal name, or personal
- 27 pronouns that do not align with the child's sex. If a parent provides written
- 28 consent, an individual may not be required to use a name or pronoun that does
- 29 not align with the child's sex; and
- 30 **h.** Provide a parent with information about parental rights and responsibilities under
- 31 the laws of this state.

1 3. The board of a school district may adopt a policy permitting parents to submit and
2 receive the information required by this section in electronic form.

3 4. A parent shall submit a written or electronic request for information pursuant to this
4 section to the school principal or the superintendent of the school district. Within
5 ten days of receiving the request for information, the school principal or the
6 superintendent shall deliver the requested information or a written explanation of the
7 reasons for the denial of the requested information to the parent. If the request for
8 information is denied or the parent does not receive the requested information within
9 ten days, the parent may submit a written request for the information to the board of
10 the school district, which shall consider the request during an executive session at the
11 next meeting of the board.

12 5. A parent claiming to be aggrieved by a violation of this section may assert that
13 violation as a claim or defense in a judicial proceeding and obtain appropriate relief,
14 including costs and reasonable attorney's fees. A school board shall indemnify and
15 hold harmless all school personnel for any violations of this section.

16 ~~**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.~~

**REPORT OF STANDING COMMITTEE
SB 2244**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0808.01001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE EDUCATION

SB 2244

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2244
3/12/2025

Relating to a parent's interest in a child's upbringing.
--

11:40 a.m. Chairman Heinert opened the hearing.

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

Discussion Topics:

- Gender ideology
- Bathroom use
- Appropriate reading material
- Legal names

11:40 a.m. Senator Bob Paulson, North Dakota Senator for District 3, introduced the bill and provided testimony #41024.

12:02 p.m. Jordan Carpenter, Legal Counsel for Alliance Defending Freedom, testified in favor.

Additional written testimony:

#39919, #40814, #40867, #40832, #39654, #39720, #40269, #40553, #40580, #40748, #40775, #40820, #40834, #40872, #40723, #40441, #40734, #40741, #40772, #40796, #40807, #40824, #40859, #40881, #40913

12:10 p.m. Chairman Heinert closed the hearing.

Wyatt Armstrong for Leah Kuball, Committee Clerk

House Education Committee
March 12, 2025
SB 2244 - Testimony in Opposition

Chair and members of the committee, my name is Whitney Oxendahl, and I am writing in opposition to Senate Bill 2244.

I'm a parent of three young children, two of which are school-aged and attending public school in Fargo. I'm concerned about the burden this bill places on schools and teachers. Whenever I have a concern, I can bring it up with the teacher or principal and my voice has been heard.

This doesn't need to be in state law. This is too much. Please give Senate Bill 2244 a Do Not Pass recommendation.

Thank you for the opportunity to share my testimony.

I write in opposition to the passage of this bill.

If this bill had been in effect earlier in my teaching career two of my students would have been in grave danger. As a teacher I do not bring up LGBTQIA+ things out of the blue. but it is critical that I remain allowed to address them when they come up. One affirming adult reduces suicide risk so much in queer youth. Anything that takes them away from that puts them in literal danger. In addition, simply passing anti-LGBTQIA+ laws increase the risk of suicide attempt by 72%. Passing this law will quite literally result in dead children. If a LGBTQIA+ kid was capable of not being queer, they would already be. This is extra true in a state with a social climate like North Dakota.

I have had a gay student whose suicide attempts I prevented more than once. If I had not responded with affirmation he did not get at home when he came to me during lunch breaks and after school with fear about being kicked out of his home, I know he won't have come to me for help in his time of crisis.

Another student came to me about the abuse she suffered at her dad's hand, because she was trans. There was a part of her who thought her dad choking her was justified for being "an abomination". If we didn't already have a relationship where she knew I didn't think of her like this, I don't now if she would have asked anyone for help. She is living safely with her other parent because of the trust we built by my respecting her pronouns and names.

There is a perception out there that schools are encouraging students to be queer. In my experience, this could not be further from the truth. Even my luckiest students had only 2/7 of their teachers accept them. Even that student had a teacher who went out of the way to misgender them (never using the word "lady" for them until they'd come out as non-binary, doing it over 10 times a class period after).

Of the four trans students I've had, one was physically abused for it, one went back into the closet because people were cruel to them, and one never told anyone but me. While my gay students have better odds the majority still hide who they are with at least chunk of the people in their lives. North Dakota is not a place where kids are coming out as queer or trans unless their identities are so pressing that abuse and bullying is more comfortable than abandoning parts of themselves. For every affirming message a queer student gets from someone like me, they hear literally hundreds of negative ones. Taking away the few positive messages they do receive is beyond cruel.

Teachers are not out to keep secrets from parents. In every case where it was safe for the student (about 90% of cases) my support has lead to students telling at least one caregiver about their identities. In cases where that secret stayed kept either the child's safety or housing was at risk.

Not only that, this law would have unintended consequences concerning bullying. Just this week a straight student was upset that another straight student was calling him "gay," in a repetitive bullying manner. I stepped in and dealt with it the way I deal with all bullying. If this law passed, I couldn't have dealt with it without getting both parent's permission. I'm quite sure that one and possibly both would have withheld it. I would then have been forced to watch a student be bullied by his classmate without doing anything to stop it.

The name and pronoun portion have unintended consequences as well. It would be cumbersome to have to obtain consent every time one of my middle school students wants to be called a name different from their birth name (for example: John for Jonathan or Mandy for Amanda). This would require teachers to reach out in hundreds of cases per year at the middle school level. Experimenting with nicknames is developmentally appropriate at the middle school level and is very harmless. A Catherine might try on Cat for a month before going back to Cathy and no one has been harmed in the process. It would particularly take a lot of manpower when considering children of immigrants who have Americanized their names and whose parents don't speak English and would need translation services (sometimes for languages no one at the school speaks). Almost all the time students who ask me to call them something different are not trans. In several cases kids have asked to go by middle names to distance themselves from abusive parents they were named after (and are no longer in their lives). The idea of making that painful and unnecessary call to the parent when I could just show the child compassion turns my stomach.

Dear Lawmakers- Please Strongly SUPPORT SB2244! God entrusted children to their parents care. These children are the parent's responsibility to nature and care for, and raise. The federally funded schools cross the line when they think these children are theirs and that they can teach and do whatever they want behind closed classroom doors! That includes indoctrination of children as young as kindergarten. These schools are funded by the parent's hard earned tax dollars, and the children belong to the parents!! Sad, that we even need a bill for parental rights but this is the sad condition of our school system. Trump signed a bill to get rid of the department of education and hopefully that will help. Please SUPPORT SB2244 all the way!

Kristin Nelson

3/10/25

5409 20th Street South

Fargo, ND

District 46

DO NOT PASS SB 2244

Chair Heinert and members of the House Education Committee:

I am writing to you today to encourage a **DO NOT PASS** on **SB 2244**. This bill is unnecessary as parents already have **inherent rights to their child's education**. Each district has **policies** for curriculum review, parent complaints, teacher communication, and where their children receive their education. This bill **fails** to outline any **gaps in the current system**, rather **it increases** the likelihood that parents will take an **adversarial stance** against their child's school.

A bill almost identical to this one **failed** last session because it did not provide anything substantially different or improved than current laws.

For those reasons, **DO NOT PASS SB 2244**.

Respectfully submitted:

Kristin Nelson (she/her)

2025 SB 2244
House Education Committee
Representative Heinert, Chairman
March 12, 2025

Chairman Heinert and members of the House Education Committee, my name is Brittney Blake and I serve as Corporate Counsel of the Altru Health System. I am here to testify in opposition to Senate Bill 2244. I ask that you give this bill a **Do Not Pass** recommendation.

SB 2244 has been promoted as an education bill; however, it may have broad impacts to the healthcare system in our state and the ability for providers to continue to provide care in limited circumstances.

As a healthcare organization, it is our practice to obtain consent, communicate and involve parents in their child's care every step of the way. In very limited situations, our providers are able to care for teen patients individually through the guidance of Chapter 14 of the North Dakota Century Code. SB 2244 conflicts with these longstanding laws passed by the North Dakota legislative assembly that govern when minors may consent to their own health care or when consent is implied, such as when there is an emergency involving a minor and the parent is not there to give consent immediately. Current North Dakota law gives minors the right to consent to treatment in a few specific situations:

1. N.D.C.C. § 14-10-17, which provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.
2. N.D.C.C. § 14-10-17.1, which provides that a minor may contract for and receive emergency examination, care, or treatment in a life-threatening situation without the consent of the minor's parent or guardian. If a minor has an emergency medical condition or the potential for an emergency medical condition, consent to emergency examination, care, or treatment of the minor is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful. It also provides that a health care provider may provide emergency medical care or forensic services to a minor who is a victim of sexual assault without the consent of the minor's parent or guardian. Reasonable steps must be taken to notify the minor's parent or guardian of the care provided.

3. N.D.C.C. § 14-10-18.1, which provides that an individual who is at least 16 years of age may donate blood on a voluntary and non-compensatory basis without obtaining the consent of the individual's parent or guardian.
4. N.D.C.C. § 14-10-19, which provides limited prenatal care, pregnancy testing, and pain management related to pregnancy for a minor without a parent's consent. A health care provider may provide prenatal care beyond the first trimester of pregnancy or in addition to the single prenatal care visit in the second or third trimester if, after a good-faith effort, the health care provider is unable to contact the minor's parent or guardian. The law requires that if a minor requests confidential services, the health care provider shall encourage the minor to involve her parents or guardian. The health care provider may inform the parent or guardian of any pregnancy care services in certain circumstances.
5. N.D.C.C. § 14-10-20, which just passed last session, allows an unaccompanied homeless minor to consent to health care (other than an abortion).

If this bill passes, it may override these longstanding laws that allow minors to consent to their own health care in these limited circumstances, and will create confusion and delay in care, if healthcare providers are required to contact both parents prior to treating a patient. We are mainly concerned about the teens in emergent need of care without a parent or both parents present in our Emergency Department.

We are very concerned that the bill would ignore the rights and medical needs our patients and may delay care.

For these reasons, we ask that you give the bill a **Do Not Pass** recommendation.

I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Brittney Blake

**Essentia Health**

**House Education Committee
SB 2244
March 12, 2025**

Chairman Heinert, Vice Chairman Schreiber-Beck, and House Education Committee members:

My name is Dr. Stephanie Grondahl. I am a practicing pediatrician and serve as Physician Division Chair at Essentia Health in Fargo. Essentia Health is an integrated health system serving patients in Minnesota, North Dakota, and Wisconsin. Essentia Health combines the strengths and talents of more than 15,500 employees, including more than 2,350 physicians and advanced practitioners, who serve our patients and communities at our 14 hospitals, 80 clinics, six long-term care facilities, six assisted living and independent living facilities, 7 ambulance services, 29 retail pharmacies, and one research institute.

On behalf of Essentia Health, I submit this testimony in opposition to SB 2244, a bill that will negatively impact patient care for vulnerable children. Although the bill primarily relates to parental involvement in a child's education – on which Essentia Health does not take a position – the following language would prevent a physician from providing critical care in an innumerable number of situations:

Page 2, Lines 13-17:

- e. Make and consent to a physical or mental health care decision for the child;
- f. Access and review any health or medical record relating to the child;
- g. Consent in writing before a biometric scan of the child is made, shared, or stored;
- h. Consent in writing before a record of the child's blood or deoxyribonucleic acid is created, stored, or shared, unless authorized pursuant to a court order[.]

The American Academy of Pediatrics publishes guidance for the complexities inherent in treating an adolescent. Varying factors come into play such as the child's maturity level to fully understand medical consent. In most situations, parental consent is not only encouraged but required before proceeding with treatment.

However, adolescents seek treatment for conditions that they would not otherwise seek if disclosure to a parent or guardian was first required. For example, a child suffering sexual or physical abuse by a parent or guardian will seek treatment without notifying a parent or guardian. Under the current language of SB 2244, that child would now need to obtain consent from a parent. In many cases, that parental consent would need to come from the abuser. Likewise, children subject to trafficking or exploitation would be deterred or prevented altogether from seeking critical treatment.

Similarly, mental health is an increasingly prevalent condition many children face today. They often seek treatment for self-harm or general anxiety and depression. Requiring children to

obtain parental consent will undoubtedly deter them from seeking such treatment. In many cases, a child chooses to not disclose their treatment because it can trigger retaliation by a parent who is also diagnosed with a mental health condition. The consequences of such disclosure can result in physical or mental harm to the child. Consequently, SB 2244 would lead to numerous situations where the child refuses to seek treatment altogether, which can lead to exacerbated conditions or suicide.

The intent of the bill as it relates to medical treatment is to ensure decisions are made by a parent or guardian. However, the bill does not contemplate the situation where a child does not have a caring parent or guardian who makes health care decisions with the child's best interest in mind. It further deters a child from seeking mental health treatment during a time of increasingly prevalent mental health conditions. In short, the bill as currently written will lead to untreated medical conditions for our children. Accordingly, I respectfully request the Committee strike the language on Page 2, Lines 13-17.

Sincerely,

Dr. Stephanie Grondahl

Pediatrician, Division Chair - Physician

Essentia Health

stephanie.grondahl@essentiahealth.org

House Education Committee

March 11, 2025

SB 2244 – Testimony in Opposition

Chair and members of the committee, my name is Karen Eriksmoen. I live in District 11 and I am writing in opposition to Senate Bill 2244.

I am a retired teacher and a parent of four children who received their education through North Dakota public schools. As teachers, we know we are accountable to our students and their parents/guardians and this is taken seriously! There are already adequate avenues to connect with the teachers of our students.

Through orientation and available sources, parents learn about the school policies and the avenues available to reach out to a teacher/principal with concerns, etc. Parents are informed about curriculum for the classes their student will take and have contact information from each teacher on how to connect with them if there are questions.

If there are concerns, parents can excuse their children from presentations they are not comfortable with. That is already a parental right! This bill seems to address some mistrust of our educational system and teachers and seeks to make it more difficult for teachers to teach the state approved curriculum to which teachers are accountable.

Parents have a legal recourse to follow if they do not think they are being heard.

This is unnecessary legislation, and it only adds a burden on teachers to take additional steps to communicate with parents when there is already a system in place in our public schools. If a parental request is made there is a protocol to follow, and it can be as simple as picking up the phone and calling the teacher or the principal to share your concerns and arrange a meeting, if needed.

SB 2244 is not the way to go and is not necessary. I urge a NO PASS vote on bill SB 2244.

Thank you for your attention,

Karen Eriksmoen
1913 5th Street South
Fargo, ND 58103



House Education Committee

SB 2244

March 12, 2025

Chairman Heinert and Committee Members, I am Courtney Koebele and I serve as Executive Director for the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

The North Dakota Medical Association opposes 2244, increasing paperwork and red tape.

Under long-standing policies and procedures, all hospitals, clinics and physicians obtain consent from the parent when treating a minor, with exceptions set forth in North Dakota Century Code. This bill would overturn longstanding laws passed by the North Dakota legislative assembly that govern when minors may consent to their own health care or when consent is implied, such as when there is an emergency involving a minor and the parent is not there to give immediate consent. The legislature determined that, in certain circumstances, it may be more important for a young person to have access to confidential medical services than it is to require that parents be informed of the situation.

The bill states that the consent of a parent is needed before proceeding with treatment but has conflicting provisions regarding whether the consent of both parents or just one parent is required before a healthcare provider may treat a minor. The bill creates a cause of action for a parent if the parent believes this right has been violated. This inconsistency means it will be unwise for a healthcare provider to treat a minor unless both parents give consent. To do otherwise would expose the physician to a lawsuit by a parent who claims the provider did not meet the requirements of Section 1.

The bill requires written consent from a parent in other circumstances. For example, a parent must consent in writing before a biometric scan of the child is made, shared, or stored and any time before a record of the child's blood or deoxyribonucleic acid is created, stored, or shared, unless authorized pursuant to a court order. So, anytime a child's blood is drawn, for example, it would require advanced written consent of a parent. In an emergent situation, prior consent of a parent is not always possible. Even in non-emergent circumstances, it will significantly slow routine health care to a child and create another administrative burden on the health care system to ensure

health care providers know when they are required to secure written consent rather than just verbal consent and then ensure that written consent is secured before treating a child.

Prior written consent for such circumstances is simply not practical and adds another burden to our healthcare system. This is an unnecessary additional requirement in an already highly regulated and monitored environment.

The North Dakota Supreme Court has also recognized a parent's fundamental right in the care, custody, and control of children that may not be infringed without due process of law and subject to strict judicial scrutiny by which the state bears the burden of proving that such deprivation is narrowly tailored to achieve a compelling state interest.¹ This means that any state or federal law depriving a parent of these fundamental rights is already subject to strict judicial scrutiny, meaning that the state bears the burden of proving such deprivation is narrowly tailored to achieve a compelling state interest.

It is, therefore, unclear what this bill really intends to accomplish.

NDMA urges a DO NOT PASS of SB 2244. I would be happy to answer any questions. Thank you.

¹ *Hoff v. Berg*, 1999 ND 115.



2025 SB 2244
House Education Committee
Representative , Chairman
March 12, 2025

Chairman Heinert and members of the House Education Committee, I am Melissa Hauer, General Counsel/VP of the North Dakota Hospital Association (NDHA). I testify in opposition to Senate Bill 2244 and ask that you give this bill a **Do Not Pass** recommendation.

We are concerned that the bill is based on a misinterpretation of how consent for health care of a minor is secured and that it will prevent providers from giving health care in a number of critical situations. It is a long-established principle that before providing treatment a health care provider must obtain the patient's consent. The idea that parents should have the right to make health care decisions for their children is well established. It is already the law and is standard medical practice that before treating a minor, consent must be obtained from a parent or guardian. There are exceptions to this general rule which are explained below. Some provisions of the bill would change these longstanding North Dakota laws regarding minors' ability to consent to their own treatment in certain circumstances. Other provisions of the bill are simply unworkable.

Hospitals are concerned that the bill will overturn current laws that govern when minors may consent to their own health care or when consent is implied. The legislature has determined that, in certain circumstances, it may be more important for a young person to have access to confidential medical services than it is to require that parents be informed of the situation. These laws imply consent or give minors the right to consent to treatment in a few specific situations:

1. N.D.C.C. § 14-10-17 provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian.
2. N.D.C.C. § 14-10-17.1 provides that if a minor has an emergency medical condition or the potential for one, consent to emergency examination, care, or treatment of the minor is implied if reasonable steps to contact the parent or guardian are unsuccessful. It also provides that a health care provider may provide emergency medical care or forensic services to a minor who is a victim of sexual assault without the consent of the minor's parent or guardian. Reasonable steps must be taken to notify the minor's parent or guardian of the care provided.

3. N.D.C.C. § 14-10-18.1 provides that an individual who is at least 16 years of age may donate blood on a voluntary and non-compensatory basis without obtaining parental consent.
4. N.D.C.C. § 14-10-19 provides limited prenatal care, pregnancy testing, and pain management related to pregnancy for a minor without a parent's consent if, after a good-faith effort, the health care provider is unable to contact the minor's parent or guardian. The health care provider must encourage the minor to involve her parents or guardian. A health care provider may inform the parent or guardian of pregnancy care services in certain circumstances.
5. N.D.C.C. § 14-10-20 allows an unaccompanied homeless minor to consent to health care (other than an abortion).

This bill would override these longstanding laws that imply consent or allow minors to consent to their own health care in certain limited circumstances. For example, in an emergency involving a minor, consent is implied so that necessary, life-saving treatment may be given immediately. What will happen in these emergencies situations, such as, for example, when a child is involved in an accident while in a school bus and a parent cannot be immediately contacted for consent? If the health care provider treats the child, he or she may be subject to a lawsuit filed by a parent. In the other exceptions listed above such as for addiction treatment and sexually transmitted diseases, while health care providers agree that parental involvement is desirable and ideally parents and teenagers would work together to make well thought out health care decisions, the reality is that if we take away access to confidential health care in certain situations teenagers simply will stop seeking the care they need. This is not good for the teenager but has negative public health implications as well.

It is my understanding that some amendments may be proposed to specifically exclude the statutes listed above, with the exception of N.D.C.C. § 14-10-17 which provides that any person 14 years or older may receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without permission, authority, or consent of a parent or guardian. The amendments do not alleviate our concerns about the bill. We do not support overriding any minor consent statute currently in effect.

In addition to these concerns, it is unclear what the bill accomplishes. The bill adds a heightened level of judicial scrutiny when a state or local government does anything to "...burden substantially a parent's fundamental right to exercise primary control over the care, supervision, upbringing, and education of the parent's child..." It then goes on to state that any such law must be subject to strict judicial scrutiny whereby the state bears the burden to show the law is essential to further a compelling state interest and is the least restrictive means of furthering that compelling state

interest (Section 1, p. 1 lines 19-20 and p. 2, lines 1-4). This is, however, already the law and adding it to the North Dakota Century Code is unnecessary. The United States Supreme Court long ago determined that a parent's right to the care, custody and control of his or her child is a fundamental, constitutionally protected right.¹ And this concept has been upheld in numerous Supreme Court cases since.² The North Dakota Supreme Court has also recognized a parent's fundamental right in the care, custody, and control of children that may not be infringed without due process of law and subject to strict judicial scrutiny by which the state bears the burden of proving that such deprivation is narrowly tailored to achieve a compelling state interest.³ This means that any state or federal law depriving a parent of these fundamental rights is already subject to strict judicial scrutiny. It is, therefore, unclear what this bill would actually accomplish.

The bill also has conflicting provisions regarding parental consent to health care. Depending on the kind of health care given, the provider may be able to rely on verbal consent but, in other situations, written consent is required. Section one states that parents have the fundamental right to make and consent to a physical or mental health care decision for the child and access and review any health record relating to the child. This presumably means a health care provider can secure the required consent by verbal permission only. However, this section also requires written consent from a parent before a biometric scan of the child is allowed and before a record of the child's blood or deoxyribonucleic acid is created, stored, or shared, unless authorized pursuant to a court order. Anytime a child's blood is drawn, for example, it would require advanced written consent of a parent. In an emergent situation, prior consent of a parent is not always possible. Even in non-emergent circumstances, it will significantly slow routine health care to a child and create another administrative burden on the health care system to ensure providers know when they are required to secure written consent rather than just verbal consent and then ensure that written consent is secured before treating a child. Prior, written consent for such circumstances is simply not practical and adds another burden to the health care system. Even if these two subsections are removed, we have concerns about other portions of Section 1, including the right of a parent to access and review any health or medical record relating to their child. This provision will allow unfettered access of a parent when it may not be in the best interest of the child, for example, when the parent seeking access to the record is abusing the child.

¹ *Meyer v. Nebraska*, 262 U.S. 390 (1923). The Court held that the Due Process Clause of the Fourteenth Amendment protects this liberty, incorporating "the right to marry, establish a home, and bring up children."

² *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Prince v. Commonwealth of Massachusetts*, 321 U.S. 158 (1944); *Ginsberg v. New York*, 390 U.S. 629 (1968); *Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974); *Smith v. Organization of Foster Families*, 431 U.S. 816 (1977); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Reno v. Flores*, 507 U.S. 292 (1993); *Washington v. Glucksburg*, 521 U.S. 702 (1997); *Troxel v. Granville*, 530 U.S. 57 (2000).

³ *Hoff v. Berg*, 1999 ND 115.

The bill is unclear regarding whether consent of both parents or just one parent is required before a health care provider may treat a minor. Section one creates a right of all parents to make and consent to health care decisions. The bill states that the consent of a parent is needed before proceeding with treatment. But it also creates a cause of action if a parent believes this right has been violated. It is unclear if two-parent consent is thus required. It will be risky for a health care provider to treat a minor unless both parents give consent. For example, if a divorced father takes his child to a health care provider and consents to routine immunizations but the mother does not believe in immunizations and is upset when she learns of them. The mother could sue the provider for failing to secure her consent. Providing health care without the consent of both parents will expose health care providers to lawsuits, costs and attorney's fees for doing nothing more than providing health care to a child based on the consent of one, rather than both, parents.

The bill would ignore the medical needs of children. Instead of putting the child first when providing medical care, providers will be more concerned about being sued by parents. This will leave health care providers vulnerable to manipulation by parents. Health care providers regularly encounter situations where parents are not working together for the best interest of their child. Some parents are uninterested in their child's life or are completely absent. Others are more interested in causing each other frustration than in cooperating to make important decisions about their child's health care. These problems can delay care while the health care provider is left to sort out parents who are truly not acting in the best interests of their child.

In summary, we are concerned with the negative effects this bill would have on medical care for children, including delaying care and inviting litigation against health care providers. If the purpose of the bill is to deal with a concern that a specific health care provider is improperly denying the right of a parent to direct medical treatment for a child, then there are means to deal with that such as by the appropriate professional licensing board or the hospital or clinic administration. We are not aware of any specific problems in North Dakota that this legislation would address.

For these reasons, we ask that you give the bill a **Do Not Pass** recommendation. I would be happy to respond to any questions you may have. Thank you.

Respectfully Submitted,

Melissa Hauer, General Counsel/VP
North Dakota Hospital Association



*Great Public Schools**Great Public Service*

**Testimony before the House Education Committee
In opposition of SB 2244
Michael Geiermann, North Dakota United
March 12, 2025**

Chairperson Heinert and members of the House Education Committee. I am Michael Geiermann. I serve as general counsel for North Dakota United. I appear before you today in opposition to SB 2244. This bill purports to grant to parent's fundamental rights to direct their children's education, health care and mental health. The state, political subdivisions and other governmental agencies may not interfere with the exercise of those rights without showing, presumably in a court room, a compelling governmental interest and that the governmental action is the least restrictive method possible. The scope of this bill is incredibly broad. I am only here to address the issues as they relate to education. I am not going to address issues related to health care or mental health. While the bill provides a number of instances of how parents can control their child's education, in the event that control is infringed upon, it then authorizes litigation against the offending parties whether it is the state, political subdivision or an individual employee.

To stand before this committee and oppose this bill may be seen by its supporters as anti-parent. Testifying against parental control will not be taken well by some and will serve as ammunition to criticize the teachers of North Dakota. Nothing could be further from the truth. Teachers welcome parental involvement in their child's education. Teachers want the insight of parents on how best to disseminate ideas and information to students. Teachers encourage parents to get involved in not only the curriculum of the school but all the school-related activities. This bill is not about maximizing parental involvement or participation. It's about changing the very method of providing education to the children of this state. It's about granting absolute control to parents over their children's education and ensuring that control with the threat of lawsuits.

In reviewing this bill, the first issue to be discussed is the establishment of a fundamental right. A fundamental right generally has its origins in the Constitution, not in statute. What does that term "fundamental right" mean in the context of this bill? Do these fundamental rights have their origin in the U.S. or N.D. Constitution? Have the fundamental rights supposedly to be established in this bill been recognized by the North Dakota Supreme Court? Or are these fundamental rights created by the legislature? Can the legislature create a fundamental right to allow a parent to control their child's education? The North Dakota Supreme Court has recognized the fundamental right of a parent to raise their children. However, that right is not unlimited. It is beyond question in this jurisdiction that parents have a fundamental constitutional right to parent their children which is of the highest order. . . . Only a compelling state interest justifies burdening the parent's fundamental right to enjoy a relationship with his or her child, and the state must bear the burden of demonstrating the necessity for doing so in this instance.

However, in the cases decided by the North Dakota Supreme Court in which the Court has addressed a parent's fundamental right to raise their children, those cases did not present the issue of whether parents had fundamental constitutional right to control their child's education. Furthermore, the North Dakota Constitution does provide the right to a public education is a fundamental right. The education provided in North Dakota is to be uniform. Article VIII of the North Dakota Constitution requires:

Section 2. The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.

Section 3. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

Section 4. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

However, the constitutional right to education did not create an absolute right of parents to control that right as set forth by the framers of our Constitution. Nor is there a fundamental right to control education reserved to parents in the Constitution. Before the merits of this bill can be considered, the issues relating to the purported establishment of a fundamental right by the legislature must be initially addressed.

As drafted, the term used in this bill as it relates to a parent's fundamental right is the term "to direct" the child's education. (Page 2, Lines 3-6) The term is not defined in the statute. Words in statutes are to be understood in their ordinary and everyday meanings. Oftentimes, the North Dakota Supreme Court will look to a dictionary to define an undefined word in a statute. The term "direct" is defined as "to regulate the activities or course of," "to carry out or supervise" and "to dominate and determine." It could be argued "to direct" means to control.

The bill amends N.D.C.C. sec. 14-09-32.1 passed during the 2023 Legislature. That statute established as the public policy of this state that a parent retains the right to exercise primary control of a child's care, supervision, upbringing and education. In SB 2244, the addition of the term "fundamental" changes the current law. (Page 1, L.12). It is an attempt to strengthen the current law by adding the term "fundamental." As stated above, there is a legitimate question as to whether the Legislature can designate a right as fundamental. This parental right to control the education of a child is not absolute as the state or school district can infringe upon that right by showing a compelling governmental interest and that the infringement is the least restrictive method. There are limitations placed upon the rights of the parents.

However, the bill then contradicts the above referenced provisions by stating that parental rights are reserved exclusively to a parent “without obstruction by or interference from the state, political subdivision, or other public institution” to direct the education of a child and to make reasonable choices within a public school for the education of the child” (Page 2, lines 1-6). The statute uses the word “reserved exclusively.” Do these rights already exist or are they created under this statute? If they already exist, where are they found in the Constitution? It also appears the state’s or a school district’s ability to object to the control of a parent is eliminated as the bill states “without obstruction by or interference.” The Parental control provision appears to be absolute.

This bill allows parents to control their child’s education within the framework of the public school system. It allows parents to make “reasonable choices within a public school for the education of their child.” (Page 2, lines 5-6). What is the definition of reasonable? Anything the parent wants for the education of their child, short of abuse and neglect, will be seen as reasonable because by its terms, a teacher, the school district and the state have no authority to object or refuse the demand of the parent. The parents run the show!!

The bill, in section 2, then requires significant involvement of the school district in drafting and enforcing policies relating to the exercise of these parental rights. The bill requires the development of a plan for parent participation designed to improve parent and teacher cooperation in the areas of homework, attendance, and discipline. Since the rights are individual to each parent, does that require a personalized plan for each parent? Does the parent have the right to control when their student does homework, attends certain classes or the type of discipline for the child? And if a school district sets forth a plan and the parent objects, does the school district and teachers relent and allow for the parents control because of fear of litigation? Of course, under the statute, if the school district or the teacher cannot come up with an approved plan with the parent, they face the possibility of being sued and paying attorney fees. (Page 5, lines 10-13).

The district and ultimately the teachers who establish the curriculum are then required to establish a policy to notify the parents at least three days in advance if the class will be discussing anything to do with gender or sexual issues. If the parent objects, their child may be excused from the lesson on the material. This provision of this section of the bill is straight forward. (Page 4 lines, 10-14).

The portion of the bill which is confusing and ambiguous is the requirement to establish procedures for a parent to object to a specific presentation or instruction which conflicts with the parents religious or moral beliefs or practices. (Page 4, Lines 14-17) Who determines if the presentation or instruction of a particular subject or topic violates a particular parents religious or moral beliefs or practices? It appears the parent has an unfettered right to do so and if the district or the teacher believes otherwise or disagrees, they get sued. (Page 5, Lines 10-13). The examples of the unworkable nature of these procedures are obvious. The identification of hot button issues is easy for the proponents: gender issues, sex, AIDS. The examples are much more difficult when the issues are the

instruction and explanation of slavery in the United States, the Civil War, the Holocaust, the internment of patriotic Japanese Americans during World War II, the need for a Civil Rights Act, Watergate or January 6. If a parent believes these topics are harmful to their child, under this bill, the child is excluded. Does the child simply skip those lessons? Is there an alternative lesson to be taught? Is the teacher required to teach that the Civil War was about state's rights and not about slavery? Are those subjects then excluded from the test? Does the child whose parents have excluded them from the class or lesson receive the same grade and credit as compared to a child who attends all the lessons or presentations? Does the objection by a few parents deny someone else's child in the class their constitutional right to learn about "harmful" topics? It will be far easier for a teacher to exclude a "harmful" topic from the curriculum than to get sued.

This bill in essence creates another layer of administration for teachers. If an elementary teacher has 29 students in her classroom, under this bill, the teacher has to now legally answer to 29 sets of new administrators on how the teacher believes the students should be taught. That number will grow if the parents are divorced. If the teacher works in a high school, that teacher must now answer legally, with the threat of litigation, to an extraordinary number of parents who now have the same authority as administrators when it comes to subject matter, curriculum, presentation of that curriculum and academic freedom.

While the current system may not be perfect, North Dakota teachers, administrators and school districts provide one of the best educational systems in the country to their students. The system can always be improved. This bill is not an improvement. It is a hinderance. There are mechanisms in place for teachers and administrators to seek, receive and implement parental input as to the education of their students. This bill simply increases the pressure on already overworked and underappreciated teachers and administrators.

This bill does not help alleviate the critical teacher shortage we face in this state and all over the nation. North Dakota needs to recruit new teachers, not discourage them. Bills like this will force remaining teachers out of the profession and will cause new teaching candidates to second guess teaching as a potential career path. This bill is simply a blatant form of censorship. Realistically, as soon as the class or lesson is over, the excluded student whose parents believe the content of the lesson was contrary to their religious or moral beliefs can obtain the same information on the internet.

I have watched the teacher shortage crisis evolve in this state for 38 years. I have seen the rights given to teachers continually attacked and diminished. This bill continues that attack. Our teachers deserve respect. They deserve to be trusted as they have earned it. They should not be subjected to lawsuits when they assert a well-intentioned and qualified curriculum for their students.

I would urge a do not pass recommendation from this committee to SB 2244.



Testimony in Opposition to Senate Bill No. 2244

Thank you for the opportunity to testify today. While I firmly believe in the importance of parental involvement in education, this bill overreaches in ways that could negatively impact our schools, students, and educators. I am a loving mother of two beautiful girls and I STILL feel this way! Last session, the House killed almost the exact same version of this bill.

1. Unintended Consequences for School Operations

This bill imposes significant restrictions and administrative burdens on schools, including excessive requirements for parental notification and consent. While transparency is important, some of the provisions could:

- Create **logistical difficulties** for teachers and administrators.
- Slow down the **educational process** by requiring advanced written consent for routine discussions and activities.
- Reduce **flexibility for students** to explore academic and extracurricular interests independently.

2. Chilling Effect on Educators and Students

The language in this bill creates an atmosphere of **fear and uncertainty** among educators, potentially discouraging them from fostering open discussions or providing supportive environments for students. The broad restrictions could:

- **Limit classroom discussions** on important topics related to diversity, inclusion, and mental health.
- Place teachers at risk of **legal action** for perceived violations of vaguely defined policies.
- Prevent students from feeling **safe and supported** in their learning environment.

3. Unnecessary and Redundant Provisions

Many of the rights outlined in this bill are already **protected under existing laws and policies**. Parents already have access to their child's educational records, can choose their child's mode of schooling, and can communicate directly with teachers and administrators. This bill adds **unnecessary legal redundancies** that could:

- Strain school resources and staff time.
- Divert attention from core educational priorities.
- Lead to potential legal battles that remove funds from classrooms.

4. Risks of Increased Political and Legal Challenges



The bill's provision allowing parents to **take legal action** against school districts for perceived violations opens the door to **frequent and costly litigation**. Instead of supporting collaboration between parents and schools, it may:

- **Encourage adversarial relationships** between educators and families.
- Result in **escalating legal costs** that could be better spent on student services and educational programs.
- Make it **difficult for schools to function effectively**, as policies will be dictated by legal fears rather than best educational practices.

Conclusion

While parental involvement in education is essential, **Engrossed Senate Bill No. 2244** presents an approach that is overly restrictive, redundant, and likely to create unintended negative consequences for schools, teachers, and students. I urge you to consider the potential harm this bill may cause and to vote **against** its passage.

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

Testimony in Opposition to SB2244

Chairman Heinert and members of the Committee.

My name is Leslie Bieber, and I am the Superintendent of Alexander Public School District. I am here to testify in strong opposition to SB2244.

Teachers and principals work tirelessly to engage parents in their child's education through multiple forms of communication. Teachers regularly reach out via email, phone calls, texts, through platforms that allow real time communication, and parent-teacher conferences to keep families informed and involved. All staff emails are readily available on the school website, and we have a phone app specifically designed to provide important updates and streamline communication with parents. Schools consistently make efforts to connect with families, ensuring they have access to the information and support they need to be active partners in their child's education.

As a mandated reporter, the required training which was set in law by this legislative body includes how to direct our concerns to social services as they are the experts in determining IF or WHO are abusing children. As public school employee, it is not to me to determine WHO is abusing the child but rather only if it is suspected.

SB2244 requires districts to write descriptions about every extracurricular club, field trip, etc. Parents already have the ability to inquire about and engage with their children's activities. If parents feel they are not receiving answers, we have policies to file a complaint against personnel, curriculum, bullies, just about anything. The curriculum review policies are required to have for our Cognia reviews which is our accreditation system. Failure to have the necessary policies in place results in deductions during the accreditation review, potentially affecting the district's accreditation standing.

It is important to note that if a parent feels their rights have been violated, they already have legal recourse. Parents can sue school districts if they believe their rights have been infringed upon. This mechanism ensures accountability without the need for additional legislation. As a superintendent, I go through an annual law meeting with NDSBA and receive emails from federal education agency on what has been heard at the Federal Supreme Court level.

Open records law, NDCC 44-0418, allows school districts to charge money based on the time it takes for a district to comply with the request. If a person believes that a district has broken this law, they can file a complaint with the Attorney General.

The provision in SB2244 allowing parents to excuse their children from activities or instruction based on moral or religious objections, leaves it wide open! It opens the argument that the reason Johnny did not complete an assignment is because it was against their moral beliefs. Similarly, the provision allowing parents to excuse their children from school attendance for religious reasons opens the door for abuse of it. Chronic absenteeism is already a national crisis, and SB2244 could exacerbate the issue. If we want higher test scores, choice-ready students, and greater engagement, students must be in school. Allowing vague or unchecked excuses for absences undermines these goals.

Parental rights are already protected by current policies, NDCC and federal laws. Opposing this bill does not mean that I oppose parental rights, in contrary I welcome parental engagement but SB2244 is not the right pathway to reach it. I ask for a no vote on SB2244.

Thank you for your time and consideration.

Dear Chairman Heinert and members of the House Education Committee:

I urge a “Do Not Pass” on SB 2244.

This bill, if approved, would put young LGBTQ+ students at risk of significant harm. According to the Trevor Project, “41% of LGBTQ+ young people seriously considered attempting suicide in the past year, including roughly half of transgender and nonbinary youth” (2024). Additionally, young people who live and study in gender-affirming spaces report “lower rates of attempting suicide” (Trevor Project, 2024). As of 2024, only 38% of LGBTQ+ youths defined their homes as “LGBTQ+ affirming” and “just over 1 in 3 transgender and nonbinary youth found their home to be gender-affirming.” The Trevor Project is just one of many resources that highlights the key role gender-affirming spaces and communication plays in keeping LGBTQ+ people alive. One way to affirm someone’s gender is to use their personally chosen name and pronouns when speaking to or about them. This bill would give guardians the right to deny young people gender affirmation at school, ignoring the reality that denying students their right to self-expression and limiting their exposure to information about themselves and others like them is life-threatening. This bill puts guardians’ and the state’s sensitivities regarding gender and sexuality above young people’s lives. Young people in our public schools are learning who they are. Ideally, this would be encouraged, and at the very least it should not be stymied.

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

Brittany Borgen

The Trevor Project, 2024: <https://www.thetrevorproject.org/resources/article/facts-about-lgbtq-youth-suicide/>



Testimony in Opposition of SB 2244

Presented by: Dr. Alyssa Martin, NDCDE State Director

Date: 03/12/2025

Chair Heinert and members of the House Education Committee:

Thank you for the opportunity to provide testimony today. For the record, my name is Dr. Alyssa Martin, North Dakota Center for Distance Education's (NDCDE) state director. On behalf of NDCDE, I respectfully submit this testimony in opposition to Senate Bill 2244.

NDCDE understands and appreciates the intent behind this legislation to ensure that families are informed and engaged. We also recognize and support the important role parents play in guiding their children's education. Our agency already complies with many of the transparency and access measures outlined in the bill. For example, parents and proctors have continuous access to their students' course content, communications, and progress through our systems, and our team works closely with families to support student success. However, as others have noted, the bill presents several broad and complex implications for public schools. We echo concerns shared by other education stakeholders related to feasibility, implementation, and liability.

In addition, NDCDE brings a unique perspective as a state agency and a provider of public virtual instruction across North Dakota. We offer online, asynchronous courses to students statewide and serve more than 30,500 enrollments this biennium. To maintain academic integrity in a remote environment, many of our courses require students to submit audio or video recordings. These assignments are used solely to assess student understanding and deter academic dishonesty. Once a final grade is awarded, the recordings are deleted in accordance with our established data retention schedule.

If this bill were interpreted to require parental consent for each individual assignment involving a student-created video or audio submission, it would introduce a significant burden on our operations. Coordinating and tracking parental consent at this scale would delay instruction, hinder grading, and likely require hiring additional staff solely for this purpose. This would result in operational costs that could not be absorbed without additional state funding.

We appreciate the sponsors' dedication to parental engagement. Our intent in offering this testimony is not to question the value of parental rights, but to respectfully request that the committee consider the practical impacts this bill may have on schools and agencies like ours that already operate with transparency and accountability. For these reasons, we ask for a "do not pass" on this bill. Thank you for your consideration.



Testimony Prepared for the House Education Committee

SB 2244 – Relating to parental involvement in education and parental interest in a child's upbringing

March 12, 2025

Lynn Flieth, RSR Human Service Zone Director

Chair Heinert, and Members of the House Education Committee, my name is Lynn Flieth. I'm the Director of RSR Human Service Zone, which includes the counties of Ransom, Sargent, and Richland. I'm also a member of the North Dakota Human Service Zone Director Association, and I'm here to testify in opposition to SB 2244. My understanding is that there was discussion in the Senate committee hearings questioning whether Human Service Zones were consulted or in support of this bill. To clarify, Zones were not consulted and are not in support of this bill.

When the Juvenile Court orders that custody of a child be transferred from a parent to the foster care system, human service zone directors are tasked with the legal custody of that child. There are times when zone directors are responsible for making many of the decisions referenced in this proposed bill. As a result, this bill is likely to impede the decision-making authority and responsibilities of agencies that are fulfilling their obligations as legal custodians. The primary focus of my testimony today will highlight areas of impact for human service zones when completing a Child Protection Assessment, or acting in the legally-mandated and court-ordered capacity of legal custodian.

It's important to understand that human service agencies are compelled by administrative rules, policies, ethics, best practices, and federal and state law, to facilitate parent-child engagement and involve parents in decisions on their child's behalf. Frequent communication with the child's case manager, and routine participation in Child and Family Team Meetings, all lend opportunities for parents to aid in decision-making for their child, even while the child is in public custody. This includes the child's education needs, which fall under the responsibility of the zone director. Parental involvement in these matters is encouraged by the custodial agency and generally welcomed by the school.

While not intended to supersede chapters of our Century Code that pertain to children in need of protection or the legal responsibilities of human service zones, SB 2244 is likely to create confusion within

the law about the responsibilities of various political subdivision employees. It is also likely to endanger children in situations where abuse is occurring.

Senate Bill 2244 would require that “Parental rights are reserved exclusively to a parent of a child without obstruction by or interference from the state or a political subdivision or other public institutions, including the right to [...] be promptly notified by an authorized representative of the state or political subdivision or other public institution if an employee of the entity or institution suspects abuse, neglect or other criminal offense has been committed against the child unless the employee has reasonable cause to believe a parent of the child committed the offense” (Page 2, Lines 3-5 and Lines 27-31).

The role of Child Protective Services (CPS) is to assess allegations of suspected abuse or neglect by a parent or caregiver. This process includes notifying parents of suspected abuse or neglect, so it would be inappropriate for a school (a “political subdivision”) to perform that notification.

There are a variety of circumstances when a parent may not be “promptly” notified of a suspected abuse or neglect report. This is true when:

- CPS does not have clarity about who is suspected of causing the abuse or neglect;
- the information may hinder a law enforcement investigation;
- or the child’s safety may be impacted by parental notification, and CPS has not had the opportunity to implement safety planning with the parent.

To that end, the Association is also concerned with the vagueness of the terms “promptly” and “reasonable cause.” Asking a mandated reporter to self-assess whether their suspicions are, or are not, sufficiently “reasonable” to warrant parental notifications is asking for the impossible.

Senate Bill 2244 also directs that a state or political subdivision employee may not “encourage” a child to withhold information from their parent that is relevant to the child’s health (Page 3, Lines 11-18). The term “encourage” is exceptionally vague and would be nearly impossible to define with any level of consistency. Again, for the reasons explained above, this will also likely impact the CPS assessment process, which is entirely relevant to a child’s safety, including physical, emotional, and mental health. In turn, this creates an extremely low threshold for a parent to assert a violation of this provision, and for legal consequences to be applied in the event of a violation (Page 3, Lines 15-18).

It’s also worth noting that inappropriately-timed parental notification creates risks for the authorized representative who makes the notification — and for other children, if the notifying “political

subdivision” is someone other than CPS and/or Law Enforcement. North Dakota Century Code 50-25.1 and CPS policy outline more functional practices for subject notification and the appropriate and timely disclosure of confidential information.

Human Service Zone Directors respectfully urge a Do Not Pass on SB 2244. Thank you for considering my testimony. I stand for questions from the committee.

Thank you for the opportunity to send in my testimony. My name is Karen Krenz, I am from District 1 in Williston and a mother of three boys. I was a teacher and counselor for 23 years in ND. I am asking that you render a DO PASS for SB 2244.

Our role as parents is to guide, protect, and care for our children until they turn 18 and beyond. It is my right as a parent to know if my children are being surveyed, having to conform to things that are not in line with my family values, and to be involved in the choices being made for my children at school. It is important that the state of North Dakota respects the right and responsibility of parents to raise, care for their children and have a voice in their education. Activist educators and overreaching governments play no role in our schools. We want community schools, not government schools!

If a child is expressing signs of mental illness. Why would you not want a parent to know? If a child is requesting to use a different bathroom or locker room. Why would not want a parent to know? If a child is wanting to use a different pronoun or name. Why would not want a parent to know this? Why would you actively hide a course curriculum, the books in the library and the name of a speaker coming in to the classroom. Again, parents have the fundamental right to the upbringing of their children.

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

Karen Krenz

ND SB 2244 Testimony

I urge you to oppose this bill. It's a meddlesome bill and the teachers have enough to do without burdening them with this frivolous requirement.



House Education Committee
Representative Pat D. Heinert, Chair
March 12, 2025
SB 2244

Good morning, Chair Heinert and members of the House Education Committee. I am Dr. Danielle Thurtle, a board certified pediatrician and pediatric hospitalist with Sanford Health Bismarck. I serve as Sanford Bismarck's chief of pediatric medicine and medical director of pediatric units.

We ask that you give this bill a **Do Not Pass** recommendation.

Parental rights are assumed and implied in North Dakota Century Code. This is exemplified in the fact that exceptions to this – for example when medical providers are allowed to perform drug testing on newborns – are clearly outlined in century code as special exceptions. This bill is duplicative and unnecessary from a regulatory perspective, adding undue burden to medical providers and educators, among others who work with children in the state.

While I appreciate the amendment put forth by Sen. Paulson, there are still inconsistencies with current century code as it stands. Specifically in section 5e, which would require parental consent prior to a physical or mental health care decision of the child. There are times medical providers are allowed to examine/perform tests without parental consent as outlined in century code, even outside of those allowed with the amendment. The reason these instances are specifically granted to be performed without parental consent is because parental consent is assumed to be required in other instances.

It is the stance of the American Academy of Pediatrics and central to training in pediatric medicine that children benefit from family-centered care. We value the participation of parents in children's health and incorporate their preferences, principles, and beliefs into the care of their child. But there are also times it is proven that adolescents would not receive necessary care if they were required to disclose care or involve their parents. It is for the safety of children and teens that these carve outs have been designated already in century code as noted above. I have also been involved in cases when parents cannot be contacted – whether because the parent is traveling or

working and unavailable, or the parent themselves is suffering from addiction or other condition that makes them unable to act in the best interest of their child.

Additionally, as a physician who has cared for many children who have been abused, both physically and sexually, by their parents or other trusted caregivers, this makes disclosure of the abuse to the school or medical provider substantially more difficult for the child or anyone else. Children have a fundamental human right to live protected and free from abuse and I do worry this bill impinges on that human right of the child. I have filed reports of suspected abuse more times than I can count as a pediatrician, and there have been many times I do not notify the parents for many different reasons. A common example would be suspecting a parent's significant other of abuse. Although we would like to assume this is not the case, parents do not always have their children's best interest at heart.

In summary I cannot see what value this adds to the lives of families in North Dakota.

Thank you for your consideration.

I would be happy to answer any questions.

Danielle Thurtle, M.D.
Sanford Health Bismarck
Danielle.Thurtle@SanfordHealth.org
701-323-3700

1 North Dakota School Study Council Testimony in Support SB 2244 –
2 Parent's Rights

3 Chairman Heinert and Members of the Committee,

4 I am writing to express my support for SB 2244, which seeks to affirm and
5 protect parents' rights in the education of their child(ren). Parents play an
6 essential role in shaping their children's education, and it is critical that their
7 rights be acknowledged and upheld within the educational system. If any
8 educational system accepts public dollars, directly or indirectly, there needs
9 to be public accountability.

10 However, while we support the bill's intent, we respectfully suggest a
11 couple of amendments to ensure that parental rights are applied fairly and
12 equitably across all educational settings:

13 1. **Inclusion of All Children:** The bill should explicitly state that parental
14 rights extend to all children, regardless of whether they attend public,
15 private, or charter schools. The choice of a private education should
16 not require parents to forfeit their fundamental rights in guiding their
17 child's education.

18 2. **Removal of Section 2, Part 5:** This section should be deleted
19 because existing school district policies already provide appropriate
20 avenues for parents to seek relief in cases of disputes or concerns.
21 Adding additional provisions may create unnecessary redundancies
22 and bureaucratic hurdles.

23 By making these adjustments, SB 2244 can better serve all families while
24 maintaining a clear and effective framework for parental engagement in
25 education.

26 Thank you for your time and consideration. I urge you to support SB 2244
27 with these recommended amendments to ensure that all parents maintain
28 their rightful role in their children's education. Please feel free to reach out if
29 I can provide further information or clarification.

30 Thank you for your time and consideration.

31 

32 Dr. Paul Stremick



NORTH DAKOTA ASSOCIATION OF SCHOOL PSYCHOLOGISTS

02/11/2025

Dear Members of the House Education Committee,

On behalf of the North Dakota Association of School Psychologists (NDASP), I am writing to express our strong opposition to Senate Bill 2244. As professionals dedicated to the well-being and rights of all students, school psychologists work to ensure the protection of the educational rights, opportunities, and well-being of all children, especially those whose voices have been muted, identities obscured, or needs ignored.

The National Association of School Psychologists (NASP) asserts that school psychologists are ethically obligated to ensure that all youth, including those with diverse sexual orientations, gender identities, and gender expressions, are able to develop and express their personal identities in a school climate that is safe, accepting, and respectful of all persons—free from discrimination, harassment, violence, and abuse. NASP strongly opposes efforts that seek to systematically discriminate against or segregate children or youth on the basis of actual or perceived characteristics, including gender identity and gender expression.

Unfortunately, LGBTQ+ youth already experience significantly high rates of harassment, bullying, and discrimination in schools, which can contribute to a host of negative academic and social-emotional outcomes, including school dropout and suicide. According to research (Kosciw et al., 2016; Robinson & Espelage, 2011), the presence of inclusive policies and affirming school personnel directly improves student outcomes and school climate. LGBTQ+ youth thrive when they are accepted, respected, supported, and valued as members of the school community.

Concerns Regarding SB 2244:

Parental Involvement vs. Student Confidentiality

While parental involvement is crucial, SB 2244 mandates the disclosure of sensitive student information, such as gender identity or sexual orientation, without the student's consent. This infringes upon students' right to privacy. The NASP Principles for Professional Ethics (2010) explicitly state that school psychologists must not reveal information about a student's gender identity or transgender status without the individual's permission.

Furthermore, research (Ryan et al., 2009) shows that forced disclosure of LGBTQ+ identity can lead to increased risks of family rejection, including emotional abuse, expulsion from the home, and mental health challenges such as depression and suicidality. Conversely, family support—when provided willingly and with professional guidance—enhances self-esteem, lowers suicide risk, and improves overall well-being.

Impact on LGBTQ+ Students

Policies that require educators to disclose a student's LGBTQ+ status without consent increase the risk of discrimination, harassment, and mental health challenges for these students. NASP emphasizes that all youth deserve equal opportunities to participate in and benefit from affirming and supportive educational and mental health services. By forcibly outing students, SB 2244 may create hostile learning environments and erode the trust between students and school personnel, further endangering their safety and well-being.

Ethical Obligations of Educators

Educators and school psychologists are ethically obligated to create safe and supportive environments for all students. Forcing the disclosure of sensitive information without student consent contradicts these ethical standards and damages the trust essential for effective educational relationships.

Recommendations:

Amend SB 2244: Modify the bill to ensure that any requirements for parental notification do not compel educators to disclose sensitive information without the student's explicit consent, thereby respecting student confidentiality and autonomy.

Implement Comprehensive Training: Provide educators and school staff with training on best practices for supporting LGBTQ+ students, emphasizing the importance of confidentiality and the potential risks associated with non-consensual disclosure. Resources such as GLSEN (www.glsen.org) offer evidence-based training to ensure schools foster inclusive environments.

Develop Inclusive Policies: Encourage the development of school policies that protect the rights of all students, particularly marginalized communities, to ensure a safe and supportive educational environment. Schools should establish gender-neutral spaces, safe zones, and staff training programs to create a climate of acceptance and respect.

Conclusion

While parental involvement is a vital component of student success, it must be balanced with our ethical responsibility to protect student privacy and well-being. Senate Bill 2244 presents serious ethical concerns and places vulnerable students at increased risk. We urge the House Education Committee to consider these concerns and adopt policies that respect student confidentiality, foster safe learning environments, and uphold the highest ethical standards in education.

Thank you for your attention to this critical matter.

A handwritten signature in black ink that reads "Rebecca Campbell". The script is cursive and fluid, with the first name "Rebecca" written in a larger, more prominent hand than the last name "Campbell".

Rebecca Campbell, Ed.S, NCSP

President-North Dakota Association of School Psychologists (NDASP)

ndasp.president@gmail.com

Members of the Education Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a DO PASS on Senate Bill 2244.

I am a mother of four kids who have previously been enrolled in North Dakota public education. It is common to hear that school districts encourage parental involvement, but when a parent actually becomes involved they are either completely dismissed or even publicly ostracized at school board meetings for raising questions of concern; at least this has been my experience. This type of behavior from the school district towards a parent can either discourage parents from engaging in their children's education or, ultimately, motivate them to withdraw their children from public schools altogether; for me, it was the latter.

There are a number of reasons I support this bill and one important reason would be the parental right to request curriculum review. In October of 2022 I requested to review 2 of my 4 children's curriculum, and in return I was provided a fee in the amount of \$615.87. I encourage you to consider why a school district would impose such an unreasonable fee on a parent to simply review their child's curriculum. Furthermore, why was I being charged in the first place? To this day, the rationale for this fee remains unclear, or perhaps they didn't want me to see something. This experience played a significant role in my decision to homeschool my children. The lack of

transparency and the disregard for my involvement as a parent significantly undermined my trust in the public education system.

Later in the school year, when my son was in 8th grade, I discovered that he was receiving classroom instruction that I had explicitly opted him out of. Despite my formal request for my children to be excluded from social-emotional learning, he was still being exposed to this curriculum in his health class under the label of "social-emotional health." Upon raising this issue with the school district, it became clear that they were unprepared to handle such a situation. After reviewing the health class curriculum, they acknowledged the validity of my concerns but failed to provide a reasonable solution. Their only suggestion was for my son to spend each health class period in the principal's office, completing unrelated work. My son finished 8th grade with no credit earned for his health class. It is deeply concerning that the school district's best course of action was not to offer an alternative curriculum or accommodation for credit, but instead to exclude him entirely from the class. If I am being honest, I couldn't help but wonder if this was the reason they imposed a \$615 fee to review his curriculum that year; given that, if my son hadn't brought this to my attention, I would have never known.

Lastly, anyone opposing this bill and parental involvement in their children's education raises serious concerns about the underlying intentions. While local school districts often claim to encourage parental engagement, the arguments against this bill suggest that such involvement should be

restricted. Ultimately, opposing this bill implies that parents should not have a meaningful role in their children's education, a position that is both clear and extremely concerning. I am a strong advocate for Senate Bill 2244 and respectfully urge you to support it, as it will protect parental rights and promote greater parental involvement in their children's education. Thank you for your consideration on this important matter and for your dedicated service to the state of North Dakota.

Kimberly Hurst

honorable members of the committee. My name is Sharlet Mohr and I strongly urge a "do pass" recommendation for this bill. This legislation is a vital win for North Dakota families—it puts parents back where they belong: at the heart of their children's education and upbringing.

Let's be clear: parents are the first and best guardians of their kids. But too often, schools and systems push us aside, acting like they know better. This bill fixes that. By adding a new section to chapter 15.1-06, it guarantees parental involvement in education—ensuring we have a real say in what our kids learn, how they're taught, and what values are instilled. And by amending section 14-09-32.1, it reinforces a parent's legal interest in their child's upbringing, making it crystal clear that our rights aren't just suggestions they're non-negotiable.

Why does this matter? Because right now, we've got educators and bureaucrats making decisions behind closed doors, curriculums we don't approve, policies we don't support, and agendas that don't reflect our families' values. This bill says enough is enough. It's not about taking over schools; it's about partnership, real partnership, where parents aren't sidelined but empowered.

This is a straightforward, common-sense measure. It strengthens families, protects kids, and keeps education accountable to the people who matter most: parents. There's no reason to stall or overcomplicate this, it's a bill that works for North Dakota. I respectfully ask you to vote "do pass" and send a message that parental rights aren't up for debate. Let's get this done for our children and our future.

Thank you,
Sharlet Mohr

**House Education Committee
March 12th, 2025 SB 2244
Testimony in Opposition**

Dear Chair Heinert and the members of the House Education Committee,

I wrote the testimony below when this was brought up in the Senate. I was dismayed to see this bill has made it through that chamber. I am dismayed that our lawmakers are so obsessed over parental rights they do not ask about nor concern themselves with child abuse. It is impossible to empower parents, without also empowering parents to abuse their children to the proportional extent in which rights are given.

And while I know the vast majority of our parents are truly kind and loving, amazing champions for their kids, these issues **must** be balanced against the proportional abuse possible by the tools you are putting in parents hands. Is this bill necessary right now? Do parents need the additional powers we are seeking to give them? Regardless of where this bill goes, **please** address this question.

I urge a "Do Not Pass" on SB 2244, because:

1. Parents already enjoy [fundamental parental rights](#)
2. This bill destabilizes our public institutes ability to operate, especially in regard to child protection, regardless of the supposed exceptions written within this bill.
3. These additional parental rights could conflict with youth's [unalienable right](#) to enjoy life and liberty or pursue and obtain safety and happiness.
4. [State data](#) already reflects bad parents do exist in our state.

In 2023, an especially powerful testimony around virtually the same bill struck my eye:

Samantha Field's from the Coalition for Responsible Home Education spoke this session about not being given a basic education or progressing past the eighth grade reading level because of her parents and the fundamental rights of youth were virtually meaningless. Child Protective Services spoke about the careful balance of their jobs and how bills like this put youth into jeopardy. Our schools have talked about the authority this gives parents as making school virtually impossible, with each teacher now needing to respond to sixty new bosses in each classroom.

During 2023's bill, [SB 2260](#), hundreds of testimony against this bill came from our organizations that protect kids. I'm not sure what this version of the bill is fixing or why we need to try it again. To save everyone hours of time, please vote "Do Not Pass."

Thank you for your time, consideration, and service to our state.
Faye Seidler - fayeseidler@gmail.com



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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SB 2244

**Testimony of Amy De Kok
House Education Committee
March 12, 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 here to express strong opposition to SB 2244, particularly the provisions outlined in Section 2, which place excessive burdens on public schools, overstep into educational governance, and create unnecessary legal and administrative challenges that could negatively impact students, educators, and school operations.

While our members fully support meaningful parental engagement in education, this bill does not provide meaningful improvements to existing parental rights or school transparency. Instead, it introduces redundant mandates that interfere with established best practices, create confusion, and impose undue restrictions on schools without benefiting students.

Public Schools Already Prioritize and Promote Parental Engagement

North Dakota's public schools actively encourage and facilitate parental involvement through well-established policies and practices. Schools already provide:

- **Full Curriculum Transparency** – Parents can review instructional materials through school board meetings, online portals, parent-teacher conferences, and textbook reviews.
- **Opportunities for Governance Participation** – Parents can serve on elected school boards, advisory committees, and PTAs to directly influence policies and curriculum decisions.
- **Direct Communication with Educators** – Schools maintain open lines of communication through conferences, emails, classroom updates, progress reports, and access to school administrators.
- **Engagement in Student Learning** – Schools offer family literacy nights, volunteer opportunities, college readiness workshops, and counseling services to support student success.

These initiatives demonstrate that schools already prioritize meaningful parental engagement. SB 2244 does not enhance these efforts—it merely imposes bureaucratic hurdles that will burden educators without providing real benefits.

Existing Laws Already Protect Parental Rights

North Dakota already has strong legal protections ensuring parental involvement in education, making SB 2244 unnecessary and duplicative. Just last session, the Legislature codified parental rights under **NDCC 14-09-32.1**, which explicitly recognizes the fundamental role of parents in the care, upbringing, and education of their children. This law already guarantees that:

- Parents retain the right to direct their child's education, including the choice of public, private, religious, or home schooling.
- Parents have access to their child's educational records.
- Schools and government entities cannot substantially burden a parent's fundamental rights without demonstrating a compelling interest.
- Parental involvement is an essential component of the education system.

It is important to note that SB 2244 is nearly identical to SB 2260, which was introduced and rejected by the Legislature in the last session. The fact that a substantially similar bill failed to pass underscores that these provisions are unnecessary, redundant, and lack broad support.

Furthermore, federal laws such as the Family Educational Rights and Privacy Act (FERPA) already ensure that parents have access to their child's educational records and control over their disclosure. Public schools are also subject to the Protection of Pupil Rights Amendment (PPRA), which safeguards parental rights regarding surveys, instructional materials, and consent for certain school activities.

Additionally, current public school operations, as well as North Dakota's open records and open meetings laws, already provide transparency, allowing parents to review school board policies, curricula, and decision-making processes. Parents are actively involved in school district governance through school board elections, advisory committees, and parent-teacher organizations.

Rather than meaningfully increasing parental involvement, SB 2244 introduces a host of new obligations that will overburden schools and make it more difficult for teachers and administrators to focus on student learning. Section 2 of the bill mandates extensive parental notification, opt-outs, and procedural hurdles that will take away valuable instructional time and administrative resources.

Excessive Notification and Consent Requirements

SB 2244 requires schools to notify parents at least three days in advance and obtain written parental consent before a child participates in instruction, presentations, or activities related to gender identity, gender expression, sexual orientation, or gender stereotypes. This requirement is overly broad and will:

- **Significantly disrupt lesson planning and instruction.** Teachers will have to preemptively identify and seek approval for any discussion that could potentially touch on these topics, no matter how incidental.

This could discourage educators from addressing important social, historical, or scientific topics out of fear of noncompliance.

- **Create inconsistency in student learning.** With different students being withdrawn from different lessons based on individual parental objections, classrooms will become fragmented, forcing teachers to repeatedly adjust instruction and provide alternative content on a case-by-case basis.
- **Overwhelm school administrators with compliance obligations.** Administrators will be forced to track notifications, obtain written permissions, and manage opt-outs, diverting time and resources away from essential school operations.

Redundant and Burdensome Curriculum Review Requirements

SB 2244 mandates that parents have access to all course curricula, training materials, assemblies, and guest lectures. However, schools already provide ample access to instructional materials through:

- School board meetings, where curriculum decisions are made publicly and transparently.
- Parent-teacher conferences, where parents can discuss class content directly with educators.
- Online portals and syllabi, which provide direct insight into classroom instruction.

This bill adds unnecessary bureaucratic steps that require teachers and administrators to maintain and distribute additional materials upon request, creating an administrative nightmare without providing any meaningful new transparency.

Increased Legal Risks and Financial Strain on Schools

Section 2, subsection 5 allows parents to take legal action against schools for alleged violations, even if the claims are unsubstantiated. The bill further mandates that school boards indemnify personnel for these lawsuits, meaning taxpayer dollars will be diverted away from educational programs to cover legal fees. This provision could:

- Encourage frivolous lawsuits by allowing parents to challenge curriculum decisions, instructional materials, or classroom discussions based on ideological or political disagreements.
- Create a chilling effect on education by discouraging teachers from addressing complex but important topics out of fear of legal repercussions.
- Place financial strain on schools, particularly rural districts with limited budgets, by requiring them to cover both legal defense costs and potential damages.

Conclusion

North Dakota already has strong laws protecting parental rights in education, ensuring transparency, and providing opportunities for parental involvement. SB 2244 does not improve these protections—it only adds onerous, redundant, and costly mandates that will ultimately harm students, burden educators, and disrupt school operations.

Rather than fostering cooperation between parents and schools, this bill creates an adversarial framework that prioritizes litigation over collaboration, bureaucracy over education, and censorship over comprehensive learning. Public schools exist to serve the needs of all students, and policies should support—not hinder—their ability to provide high-quality, inclusive, and academically rigorous education.

For these reasons, I respectfully urge the Committee to issue a DO NOT PASS recommendation on SB 2244 and instead support initiatives that genuinely enhance parental engagement without undermining the effectiveness of our public schools.

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



Testimony in Support of Senate Bill 2244

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
March 12, 2025

Good morning, Chairman Heinert and honorable members of the House Education Committee. My name is Jacob Thomsen, and I am a Policy Analyst with North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in favor of Senate Bill 2244 and respectfully request that you render a "DO PASS" on this bill.

The family is the fundamental building block of society, and parents are the primary stakeholders in a child's well-being. They should always know what is going on in their child's life so that they may parent the child in the most appropriate manner with regard to their unique characteristics and environment.

A parent ought to know what is being taught to their child in the school system. It is a parental responsibility to take part in their child's education. They should know about and have the choice of whether or not to subject their children to controversial topics that may be presented in the classroom. With the arrival of COVID, many parents needed to be more directly involved with their children's classroom materials, and they were shocked at what they found. It should not take a pandemic to ensure parents know what their children are learning.

This bill supports that parents are the final arbiters in their child's education, mental health treatment, moral and religious training, and general upbringing. This bill also provides balance, insofar as it protects children in situations of abuse and neglect. All these things are certainly consistent with biblical mandates, our organization's values, and those of our constituents. Because of these reasons, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on Senate Bill 2244.

Thank you for the opportunity to testify. I'd be happy to answer any questions.

Good morning Chairman Heinert and members of the House Education Committee. For the record, my name is Senator Bob Paulson from District 3 in Minot. I'm here to introduce SB 2244.

SB 2244 is a bill to codify parental rights in North Dakota. The US Supreme Court found in the 1977 case of *Washington v. Glucksberg* that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children, so this fundamental right has been codified by the Supreme Court. In the 2000 case of *Troxel v. Granville*, the US Supreme Court found that "The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a 'better' decision could be made."

A Fundamental right is a right that has been recognized by the Supreme Court as requiring a high degree of protection from government encroachment. Courts apply a strict scrutiny standard when reviewing laws that might infringe on fundamental rights, meaning the government must demonstrate a compelling reason to restrict them.

Approximately 32 states recognize fundamental parental rights and call for strict scrutiny as a matter of judicial precedent. 18 states have codified the fundamental rights of parents in their law, so this is not new ground that is being plowed here.

We have seen the challenge to parental rights nationally, for example, as parents learned more about what their children were being taught during COVID, they raised concerns at school board meetings and were met with threat of FBI investigation. That wasn't limited to any one state—the FBI's memo applied nationwide, including right here in North Dakota.

There are some things that I believe we need to affirm and codify in North Dakota, and this bill seeks to do so:

1. That Children are born to parents and into families that form the building blocks of a society.
2. That the laws of a society should affirm the natural order of parents raising their children and reject the idea that children are products and property of the government.
3. That we must protect the fundamental right and duty of parents to direct the upbringing and education of their children.

When it comes to Public School Curricula, there should be:

Accountability: School boards and school administrators should not betray parents' trust by hiding information or indoctrinating students with ideas directly contrary to their family's sincerely held beliefs.

Choice: Parents should know what their children are taught and should have the freedom to opt-out of controversial curriculum.

Transparency: Parents are ultimately responsible for their children. Public schools have a responsibility and duty to be transparent about what they are teaching children and to respect parents' wishes when it comes to divisive and potentially harmful issues including gender ideology or things like critical race theory.

A parent's right to direct their children's upbringing and education does not end at the schoolhouse door.

Mr. Chairman, as a result of opposition testimony in the Senate by the Hospital Association, I have had an amendment prepared which has been provided to the committee members to address some of the hospital's concerns. You could argue the necessity of the amendment, because Section 1 of this bill only applies to state and local government entities and not to private or non-profit entities, but I would like to use that amendment number 2001 and briefly go through the bill.

Mister Chairman, that concludes my testimony and I would be happy to stand for any questions.

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2244

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Hauck, Steiner, Rohr

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to parental involvement in a child's education; and to amend and reenact
3 section 14-09-32.1 of the North Dakota Century Code, relating to a parent's interest in a child's
4 upbringing.

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

6 **SECTION 1. AMENDMENT.** Section 14-09-32.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **14-09-32.1. Parent's interest in child's upbringing.**

- 9 1. As used in this section, a "parent" means parent or legal guardian not including a
10 school or other institution serving in loco parentis.
- 11 2. It is the public policy of the state that:
- 12 a. A parent retains the fundamental right and duty to exercise primary control over
13 the care, supervision, upbringing, and education of the parent's child;
- 14 b. A child has the right to protection from abuse and neglect; and
- 15 c. The state retains a compelling interest in preventing, assessing, investigating,
16 addressing, and prosecuting abuse and neglect.
- 17 3. This section may not be interpreted to supersede chapters 27-20.1, 27-20.2, 27-20.3,
18 and 27-20.4.
- 19 4. Notwithstanding any other provision of law, a state or local government entity may not
20 burden substantially a parent's fundamental right to exercise primary control over the

- 1 the child, unless the employee has reasonable cause to believe a parent of the
2 child committed the offense:
- 3 ~~k.i.~~ Opt the child out of any personal analysis, evaluation, survey, or data collection
4 by a school district except what is necessary to establish a student's educational
5 record:
- 6 ~~h.i.~~ Have the child excused from school attendance for religious purposes; and
7 ~~m.k.~~ Participate in parent-teacher organizations and other school organizations.
- 8 6. This section does not:
- 9 a. Authorize or allow a parent to abuse or neglect a child as provided under
10 sections 14-09-22 and 14-09-22.1;
- 11 b. Apply to a parental action or decision that would end life; ~~or~~
12 c. Prohibit a court from issuing an order otherwise permitted by law; or
13 d. Prohibit a health care provider from providing medical care or other services to a
14 minor pursuant to the requirements of section 14-10-17.1, 14-10-18.1, 14-10-19,
15 or 14-10-20.
- 16 7. An employee of the state or a political subdivision or other public institution, except for
17 law enforcement personnel, may not encourage or coerce a child to withhold
18 information from the child's parent and may not withhold information that is relevant to
19 the physical, emotional, or mental health of the child from a child's parent.
- 20 8. A parent claiming to be aggrieved by a violation of this section may assert that
21 violation as a claim or defense in a judicial proceeding and obtain appropriate relief,
22 including costs and reasonable attorney's fees. A school board shall indemnify and
23 hold harmless all school personnel for any violations of this section.

24 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
25 and enacted as follows:

26 **Parental involvement in child's education.**

- 27 1. As used in this section, a "parent" means parent or legal guardian of a student of a
28 public school within the school district. The term does not include a school or other
29 institution serving in loco parentis.
- 30 2. The board of each school district shall:

- 1 consent, an individual may not be required to use a name or pronoun that does
2 not align with the child's sex; and
3 h. Provide a parent with information about parental rights and responsibilities under
4 the laws of this state.
5 3. The board of a school district may adopt a policy permitting parents to submit and
6 receive the information required by this section in electronic form.
7 4. A parent shall submit a written or electronic request for information pursuant to this
8 section to the school principal or the superintendent of the school district. Within
9 ten days of receiving the request for information, the school principal or the
10 superintendent shall deliver the requested information or a written explanation of the
11 reasons for the denial of the requested information to the parent. If the request for
12 information is denied or the parent does not receive the requested information within
13 ten days, the parent may submit a written request for the information to the board of
14 the school district, which shall consider the request during an executive session at the
15 next meeting of the board.
16 5. A parent claiming to be aggrieved by a violation of this section may assert that
17 violation as a claim or defense in a judicial proceeding and obtain appropriate relief.
18 including costs and reasonable attorney's fees. A school board shall indemnify and
19 hold harmless all school personnel for any violations of this section.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2244
3/12/2025

Relating to a parent's interest in a child's upbringing.
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2:24 p.m. Chairman Heinert opened the hearing.

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

Discussion Topics:

- Absence for religious reasons
- Online education courses
- Effects of absences on education

2:24 p.m. Kimberly hurst, North Dakota Resident, testified in favor and provided testimony #40859 (submitted for the March 12, 2025, 10:30 a.m. meeting)

2:28 p.m. Jacob Thomsen, Policy Analyst at North Dakota Family Alliance Legislative Action, testified in favor and provided testimony #40913 (submitted for the March 12, 2025, 10:30 a.m. meeting).

2:30 p.m. Mike Geiermann, General Counsel for ND United, testified in opposition and provided testimony #40741 (submitted for the March 12, 2025, 10:30 a.m. meeting).

2:47 p.m. Amy De Kok, Executive Director, North Dakota School Board Association, testified in opposition and provided testimony #40881 (submitted for the March 12, 2025, 10:30 a.m. meeting).

2:58 p.m. Lynn Flieth, RSR Human Service Zone, testified in opposition and provided testimony #40807 (submitted for the March 12, 2025, 10:30 a.m. meeting).

3:06 p.m. Dr. Alyssa Martin, State Director of North Dakota Center for Distance Education, testified in opposition and provided testimony #40796 (submitted for the March 12, 2025, 10:30 a.m. meeting).

3:08 p.m. Leslie Bieber Superintendent of Alexander Public School, testified in opposition and provided testimony #40772 (submitted for the March 12, 2025, 10:30 a.m. meeting).

3:11 p.m. Melissa Hauer, General Counsel for Altru Health System, testified in opposition and provided testimony #40734 (submitted for the March 12, 2025, 10:30 a.m. meeting).

3:19 p.m. Dr. Daniel Thurtle, Sanford Heath, Pediatrician, testified in opposition and provided testimony #40824 (submitted for the March 12, 2025, 10:30 a.m. meeting).

3:23 p.m. Britney Blake, Altru Health System, testified in opposition and provided testimony #40441 (submitted for the March 12, 2025, 10:30 a.m. meeting).

3:26 p.m. Christina Sambor, North Dakota Human Rights Coalition, testified in opposition.

3:35 p.m. Chairman Heinert closed the hearing.

Wyatt Armstong for Leah Kuball, Committee Clerk

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2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2244
3/19/2025

Relating to a parent's interest in a child's upbringing.
--

9:08 a.m. Chairman Heinert called the meeting 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

9:09 a.m. Representative Heilman moved Amendment LC#25.0808.02001. #41024 submitted in previous meeting.

9:09 a.m. Representative Morton seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	A
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	N
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion Passed: 12-1-1

9:34 a.m. Representative Jonas moved Do Not Pass as Amended.

9:34 a.m. Representative Osowski seconded the motion.

9:35 a.m. Representative Jonas rescinded his motion.

9:35 a.m. Chairman Heinert closed the hearing.

House Education Committee SB 2244

3/19/2025

Page 2

Leah Kuball, Committee Clerk

Bill was further amended on 03/25/2025

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2244
3/24/2025

Relating to a parent's interest in a child's upbringing.
--

2:30 p.m. Chairman Heinert opened the hearing.

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

Discussion Topics:

- Parent involvement in judicial proceedings

2:32 p.m. Representative Desiree Morton, North Dakota Representative for District 46, proposed Amendment LC:25.0808.02003, testimony #43676.

2:35 p.m. Representative Morton moved to adopt Amendment LC:25.0808.02003, testimony #43676.

2:41 p.m. Representative Morton withdrew her motion.

2:41 p.m. Chairman Heinert closed the hearing.

Wyatt Armstrong for Leah Kuball, Committee Clerk

25.0808.02003
Title.

Prepared by the Legislative Council
staff for Representative Morton
March 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2244

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Hauck, Steiner, Rohr

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13 the care, supervision, upbringing, and education of the parent's child;
 - 14 b. A child has the right to protection from abuse and neglect; and
 - 15 c. The state retains a compelling interest in preventing, assessing, investigating,
16 addressing, and prosecuting abuse and neglect.
- 17 3. This section may not be interpreted to supersede chapters 27-20.1, 27-20.2, 27-20.3,
18 and 27-20.4.
- 19 4. Notwithstanding any other provision of law, a state or local government entity may not
20 burden substantially a parent's fundamental right to exercise primary control over the

1 care, supervision, upbringing, and education of the parent's child, unless applying the
2 burden to the parent and the child is:

3 a. Essential to further a compelling state interest; and

4 b. The least restrictive means of furthering that compelling state interest.

5 5. Parental rights are reserved exclusively to a parent of a child without obstruction by or
6 interference from the state or a political subdivision or other public institution, including
7 the right to:

8 a. Direct the education of the child, including the right to choose public, private,
9 parochial, or home schooling, and the right to make reasonable choices within a
10 public school for the education of the child;

11 b. Access and review any educational record relating to the child that is controlled
12 by or in possession of a school or school board;

13 c. Direct the upbringing of the child;

14 d. Direct the moral or religious training of the child;

15 e. Make and consent to a physical or mental health care decision for the child;

16 f. Access and review any health or medical record relating to the child;

17 g. Consent in writing before a biometric scan of the child is made, shared, or stored;

18 h. Consent in writing before a record of the child's blood or deoxyribonucleic acid is
19 created, stored, or shared, unless authorized pursuant to a court order;

20 i. Consent in writing before a governmental entity makes a video or voice recording
21 of the child, unless the video or voice recording is made during or as part of:

22 (1) A court proceeding;

23 (2) A law enforcement investigation;

24 (3) A forensic interview in a criminal or department of health and human
25 services investigation;

26 (4) The passive security or surveillance of buildings or grounds; or

27 (5) Any event during which an individual does not have a reasonable
28 expectation of privacy;

29 j. Promptly be notified by an authorized representative of the state or a political
30 subdivision or other public institution if an employee of the entity or institution
31 suspects abuse, neglect, or other criminal offense has been committed against

- 1 the child, unless the employee has reasonable cause to believe a parent of the
2 child committed the offense;
- 3 k. Opt the child out of any personal analysis, evaluation, survey, or data collection
4 by a school district except what is necessary to establish a student's educational
5 record;
- 6 l. Have the child excused from school attendance for religious purposes; and
- 7 m. Participate in parent-teacher organizations and other school organizations.
- 8 6. This section does not:
- 9 a. Authorize or allow a parent to abuse or neglect a child as provided under
10 sections 14-09-22 and 14-09-22.1;
- 11 b. Apply to a parental action or decision that would end life; or
- 12 c. Prohibit a court from issuing an order otherwise permitted by law.
- 13 7. An employee of the state or a political subdivision or other public institution, except for
14 law enforcement personnel, may not encourage or coerce a child to withhold
15 information from the child's parent and may not withhold information that is relevant to
16 the physical, emotional, or mental health of the child from a child's parent.
- 17 8. a. A parent claiming to be aggrieved by a violation of this section may assert that
18 violation as a ~~claim~~:
- 19 (1) Claim in a judicial proceeding, if the parent has exhausted all other options
20 to resolve the offense through the normal channels offered by the state,
21 local government entity, political subdivision, or other political institution; or
22 ~~defense~~
- 23 (2) Defense in a judicial proceeding ~~and obtain~~.
- 24 b. If on the prevailing side of the judicial proceeding, the parent is entitled to
25 appropriate relief, including costs and reasonable attorney's fees.
- 26 c. A school board shall indemnify and hold harmless all school personnel for any
27 violations of this section.

28 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
29 and enacted as follows:

1 **Parental involvement in child's education.**

2 1. As used in this section, a "parent" means parent or legal guardian of a student of a
3 public school within the school district. The term does not include a school or other
4 institution serving in loco parentis.

5 2. The board of each school district shall:

6 a. Create a plan for parent participation in the school district, which must be
7 designed to improve parent and teacher cooperation in homework, attendance,
8 and discipline;

9 b. Provide parents with information about how to participate in the governance of
10 the school district through the elected school board;

11 c. Upon request, provide information to a parent about the course of study and
12 curriculum for the parent's child, including permitting a parent to:

13 (1) Review curriculum or teacher training materials for each class or course in
14 which a parent's child is enrolled;

15 (2) Review descriptions of assemblies, guest lectures, field trips, or other
16 educational activities facilitated by the child's school; and

17 (3) Meet with the teacher of the class or course, the school's principal, or
18 another representative from the school to discuss the relevant curriculum,
19 teacher training materials, or educational activities;

20 d. Notify a parent at least three days in advance and obtain the parent's written
21 consent before the parent's child receives instruction or attends a presentation
22 relating to gender stereotypes, gender identity, gender expression, sexual
23 orientation, or sexual relationships;

24 e. Permit a parent to withdraw the parent's child from instruction or presentations,
25 assemblies, guest lectures, field trips, or other educational activities facilitated by
26 a school, including those conducted by outside individuals or organizations,
27 conflicting with the parent's religious or moral beliefs or practices;

28 f. Upon request, provide a parent with information about the nature and purpose of
29 clubs and extracurricular activities at the school and may withdraw the parent's
30 child from a club or extracurricular activity. A student shall provide a signed

- 1 parental permission form before participating in a club or extracurricular activity at
2 the school;
- 3 g. Obtain a parent's written consent before the parent's child uses a name other
4 than the child's legal name, derivative of the child's legal name, or personal
5 pronouns that do not align with the child's sex. If a parent provides written
6 consent, an individual may not be required to use a name or pronoun that does
7 not align with the child's sex; and
- 8 h. Provide a parent with information about parental rights and responsibilities under
9 the laws of this state.
- 10 3. The board of a school district may adopt a policy permitting parents to submit and
11 receive the information required by this section in electronic form.
- 12 4. A parent shall submit a written or electronic request for information pursuant to this
13 section to the school principal or the superintendent of the school district. Within
14 ten days of receiving the request for information, the school principal or the
15 superintendent shall deliver the requested information or a written explanation of the
16 reasons for the denial of the requested information to the parent. If the request for
17 information is denied or the parent does not receive the requested information within
18 ten days, the parent may submit a written request for the information to the board of
19 the school district, which shall consider the request during an executive session at the
20 next meeting of the board.
- 21 5. a. A parent claiming to be aggrieved by a violation of this section may assert that
22 violation as a ~~claim~~:
- 23 (1) Claim in a judicial proceeding, if the parent has exhausted all other options
24 to resolve the offense through the normal channels offered by the school
25 district; or ~~defense~~
- 26 (2) Defense in a judicial proceeding ~~and obtain~~.
- 27 b. If on the prevailing side of the judicial proceeding, the parent is entitled to
28 appropriate relief, including costs and reasonable attorney's fees.
- 29 c. A school board shall indemnify and hold harmless all school personnel for any
30 violations of this section.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2244
3/25/2025

Relating to a parent's interest in a child's upbringing.
--

3:49 p.m. Chairman Heinert opened the hearing.

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

Discussion Topics:

- Application to divorced parents
- Parental rights
- Alternatives to public schooling

3:50 p.m. Representative Morton moved to Amend LC: 25.0808.02004, testimony #43798.

3:50 p.m. Representative Maki 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

3:51 p.m. Motion passed 14-0-0

3:51 p.m. Representative Hauck moved a Do Pass as Amended.

3:52 p.m. Representative Morton seconded the motion.

4:08 p.m. Representative Heilman moved the previous question for the purpose of ending debate on the Do Pass motion.

4:08 p.m. Roll call vote on Do Pass as Amended

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

4:09 p.m. Motion failed 6-8-0

4:09 p.m. Representative Schreiber-Beck moved a Do Not Pass as Amended.

4:09 p.m. Representative Jonas 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	N
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

4:12 p.m. Motion passed 8-6-0

4:13 p.m. Representative Jonas will carry the bill.

4:14 p.m. Chairman Heinert adjourned the meeting.

Wyatt Armstrong for Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 5/25/25
1 of 5

ENGROSSED SENATE BILL NO. 2244

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Hauck, Steiner, Rohr

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to parental involvement in a child's education; and to amend and reenact
3 section 14-09-32.1 of the North Dakota Century Code, relating to a parent's interest in a child's
4 upbringing.

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

6 **SECTION 1. AMENDMENT.** Section 14-09-32.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **14-09-32.1. Parent's interest in child's upbringing.**

- 9 1. As used in this section, a "parent" means parent or legal guardian not including a
10 school or other institution serving in loco parentis.
- 11 2. It is the public policy of the state that:
- 12 a. A parent retains the fundamental right and duty to exercise primary control over
13 the care, supervision, upbringing, and education of the parent's child;
- 14 b. A child has the right to protection from abuse and neglect; and
- 15 c. The state retains a compelling interest in preventing, assessing, investigating,
16 addressing, and prosecuting abuse and neglect.
- 17 3. This section may not be interpreted to supersede chapters 27-20.1, 27-20.2, 27-20.3,
18 and 27-20.4.
- 19 4. Notwithstanding any other provision of law, a state or local government entity may not
20 burden substantially a parent's fundamental right to exercise primary control over the

- 1 care, supervision, upbringing, and education of the parent's child, unless applying the
2 burden to the parent and the child is:
- 3 a. Essential to further a compelling state interest; and
4 b. The least restrictive means of furthering that compelling state interest.
- 5 5. Parental rights are reserved exclusively to a parent of a child without obstruction by or
6 interference from the state or a political subdivision or other public institution, including
7 the right to:
- 8 a. Direct the education of the child, including the right to choose public, private,
9 parochial, or home schooling, and the right to make reasonable choices within a
10 public school for the education of the child;
- 11 b. Access and review any educational record relating to the child that is controlled
12 by or in possession of a school or school board;
- 13 c. Direct the upbringing of the child;
- 14 d. Direct the moral or religious training of the child;
- 15 e. Make and consent to a physical or mental health care decision for the child;
- 16 f. Access and review any health or medical record relating to the child;
- 17 ~~g. Consent in writing before a biometric scan of the child is made, shared, or stored;~~
- 18 ~~h. Consent in writing before a record of the child's blood or deoxyribonucleic acid is~~
19 ~~created, stored, or shared, unless authorized pursuant to a court order;~~
- 20 ~~i. Consent in writing before a governmental entity makes a video or voice recording~~
21 ~~of the child, unless the video or voice recording is made during or as part of:~~
- 22 ~~(1) A court proceeding;~~
- 23 ~~(2) A law enforcement investigation;~~
- 24 ~~(3) A forensic interview in a criminal or department of health and human~~
25 ~~services investigation;~~
- 26 ~~(4) The passive security or surveillance of buildings or grounds; or~~
- 27 ~~(5) Any event during which an individual does not have a reasonable~~
28 ~~expectation of privacy;~~
- 29 j.h. Promptly be notified by an authorized representative of the state or a political
30 subdivision or other public institution if an employee of the entity or institution
31 suspects abuse, neglect, or other criminal offense has been committed against

- 1 the child, unless the employee has reasonable cause to believe a parent of the
2 child committed the offense;
- 3 ~~k.i.~~ Opt the child out of any personal analysis, evaluation, survey, or data collection
4 by a school district except what is necessary to establish a student's educational
5 record;
- 6 ~~l.j.~~ Have the child excused from school attendance for religious purposes; and
7 ~~m.k.~~ Participate in parent-teacher organizations and other school organizations.
- 8 6. This section does not:
- 9 a. Authorize or allow a parent to abuse or neglect a child as provided under
10 sections 14-09-22 and 14-09-22.1;
- 11 b. Apply to a parental action or decision that would end life; ~~or~~
12 c. Prohibit a court from issuing an order otherwise permitted by law; ~~or~~
13 d. Prohibit a health care provider from providing medical care or other services to a
14 minor pursuant to the requirements of section 14-10-17.1, 14-10-18.1, 14-10-19,
15 or 14-10-20.
- 16 7. An employee of the state or a political subdivision or other public institution, except for
17 law enforcement personnel, may not encourage or coerce a child to withhold
18 information from the child's parent and may not withhold information that is relevant to
19 the physical, emotional, or mental health of the child from a child's parent.
- 20 8. a. A parent claiming to be aggrieved by a violation of this section may assert that
21 violation as a ~~claim~~:
- 22 (1) Claim in a judicial proceeding, if the parent has exhausted all other options
23 to resolve the offense through the normal channels offered by the state,
24 local government entity, political subdivision, or other political institution; or
25 ~~defense~~
- 26 (2) Defense in a judicial proceeding ~~and obtain~~.
- 27 b. If on the prevailing side of the judicial proceeding, the parent is entitled to
28 appropriate relief, including costs and reasonable attorney's fees.
- 29 c. A school board shall indemnify and hold harmless all school personnel for any
30 violations of this section.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Parental involvement in child's education.

1. As used in this section, a "parent" means parent or legal guardian of a student of a public school within the school district. The term does not include a school or other institution serving in loco parentis.
2. The board of each school district shall:
 - a. Create a plan for parent participation in the school district, which must be designed to improve parent and teacher cooperation in homework, attendance, and discipline;
 - b. Provide parents with information about how to participate in the governance of the school district through the elected school board;
 - c. Upon request, provide information to a parent about the course of study and curriculum for the parent's child, including permitting a parent to:
 - (1) Review curriculum or teacher training materials for each class or course in which a parent's child is enrolled;
 - (2) Review descriptions of assemblies, guest lectures, field trips, or other educational activities facilitated by the child's school; and
 - (3) Meet with the teacher of the class or course, the school's principal, or another representative from the school to discuss the relevant curriculum, teacher training materials, or educational activities;
 - d. Notify a parent at least three days in advance and obtain the parent's written consent before the parent's child receives instruction or attends a presentation relating to gender stereotypes, gender identity, gender expression, sexual orientation, or sexual relationships;
 - e. Permit a parent to withdraw the parent's child from instruction or presentations, assemblies, guest lectures, field trips, or other educational activities facilitated by a school, including those conducted by outside individuals or organizations, conflicting with the parent's religious or moral beliefs or practices;
 - f. Upon request, provide a parent with information about the nature and purpose of clubs and extracurricular activities at the school and may withdraw the parent's

1 child from a club or extracurricular activity. A student shall provide a signed
2 parental permission form before participating in a club or extracurricular activity at
3 the school;

4 g. Obtain a parent's written consent before the parent's child uses a name other
5 than the child's legal name, derivative of the child's legal name, or personal
6 pronouns that do not align with the child's sex. If a parent provides written
7 consent, an individual may not be required to use a name or pronoun that does
8 not align with the child's sex; and

9 h. Provide a parent with information about parental rights and responsibilities under
10 the laws of this state.

11 3. The board of a school district may adopt a policy permitting parents to submit and
12 receive the information required by this section in electronic form.

13 4. A parent shall submit a written or electronic request for information pursuant to this
14 section to the school principal or the superintendent of the school district. Within
15 ten days of receiving the request for information, the school principal or the
16 superintendent shall deliver the requested information or a written explanation of the
17 reasons for the denial of the requested information to the parent. If the request for
18 information is denied or the parent does not receive the requested information within
19 ten days, the parent may submit a written request for the information to the board of
20 the school district, which shall consider the request during an executive session at the
21 next meeting of the board.

22 5. a. A parent claiming to be aggrieved by a violation of this section may assert that
23 violation as a ~~claim~~:

24 (1) Claim in a judicial proceeding, if the parent has exhausted all other options
25 to resolve the offense through the normal channels offered by the school
26 district; or ~~defense~~

27 (2) Defense in a judicial proceeding ~~and obtain~~.

28 b. If on the prevailing side of the judicial proceeding, the parents is entitled to
29 appropriate relief, including costs and reasonable attorney's fees.

30 c. A school board shall indemnify and hold harmless all school personnel for any
31 violations of this section.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2244**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** ([25.0808.02004](#)) and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2244 was placed on the Sixth order on the calendar.

25.0808.02004
Title.

Prepared by the Legislative Council
staff for Representative Morton
March 25, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2244

Introduced by

Senators Paulson, Lemm, Wobbema

Representatives Hauck, Steiner, Rohr

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to parental involvement in a child's education; and to amend and reenact
3 section 14-09-32.1 of the North Dakota Century Code, relating to a parent's interest in a child's
4 upbringing.

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10 school or other institution serving in loco parentis.
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- 12 a. A parent retains the fundamental right and duty to exercise primary control over
13 the care, supervision, upbringing, and education of the parent's child;
- 14 b. A child has the right to protection from abuse and neglect; and
- 15 c. The state retains a compelling interest in preventing, assessing, investigating,
16 addressing, and prosecuting abuse and neglect.
- 17 3. This section may not be interpreted to supersede chapters 27-20.1, 27-20.2, 27-20.3,
18 and 27-20.4.
- 19 4. Notwithstanding any other provision of law, a state or local government entity may not
20 burden substantially a parent's fundamental right to exercise primary control over the

1 care, supervision, upbringing, and education of the parent's child, unless applying the
2 burden to the parent and the child is:

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4 b. The least restrictive means of furthering that compelling state interest.

5 5. Parental rights are reserved exclusively to a parent of a child without obstruction by or
6 interference from the state or a political subdivision or other public institution, including
7 the right to:

8 a. Direct the education of the child, including the right to choose public, private,
9 parochial, or home schooling, and the right to make reasonable choices within a
10 public school for the education of the child;

11 b. Access and review any educational record relating to the child that is controlled
12 by or in possession of a school or school board;

13 c. Direct the upbringing of the child;

14 d. Direct the moral or religious training of the child;

15 e. Make and consent to a physical or mental health care decision for the child;

16 f. Access and review any health or medical record relating to the child;

17 g. ~~Consent in writing before a biometric scan of the child is made, shared, or stored;~~

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25 services investigation;

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27 (5) Any event during which an individual does not have a reasonable
28 expectation of privacy;

29 ~~j.h.~~ Promptly be notified by an authorized representative of the state or a political
30 subdivision or other public institution if an employee of the entity or institution
31 suspects abuse, neglect, or other criminal offense has been committed against

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5 record;
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15 ~~or 14-10-20.~~
- 16 7. An employee of the state or a political subdivision or other public institution, except for
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- 22 (1) ~~Claim in a judicial proceeding, if the parent has exhausted all other options~~
23 ~~to resolve the offense through the normal channels offered by the state,~~
24 ~~local government entity, political subdivision, or other political institution; or~~
25 ~~defense~~
- 26 (2) ~~Defense in a judicial proceeding and obtain.~~
- 27 b. ~~If on the prevailing side of the judicial proceeding, the parent is entitled to~~
28 ~~appropriate relief, including costs and reasonable attorney's fees.~~
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