

**2023 HOUSE EDUCATION**

**HB 1488**

# 2023 HOUSE STANDING COMMITTEE MINUTES

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

HB 1488  
2/8/2023

Relating to permission for a student to participate in extracurricular activities, cocurricular activities, and clubs.
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9:00 AM

Chairman Heinert opened the hearing. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

**Discussion Topics:**

- Parental rights
- Parental authorization
- Safe communities/clubs

Rep Marschall, District 16, West Fargo, introduced HB 1488, oral testimony  
Rep Ben Koppelman, District 16, West Fargo, oral testimony  
Cayden Marks, Dakota Outright, oral testimony

**Additional written testimony:**

Shannon Bacon, Testimony 19162  
Bree Langemo, Testimony 19321  
Kristie Miller, Testimony 19452  
Erin Price, Testimony 19537  
Emily Vieweg, Testimony 19539  
Faye Seidler, Testimony 19716

9:25 AM Chairman Heinert closed the hearing

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

HB 1488  
2/13/2023

Relating to permission for a student to participate in extracurricular activities, cocurricular activities, and clubs.

4:34 PM

Chairman Heinert opened the meeting. Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

### Discussion Topics:

- Homeless children
- Opt in/opt out
- Legal guardian
- Custodian guardian
- Parental guardian
- Recognized club

Rep Heilman moved a Do Pass, seconded by Rep Novak.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

**10-4-0 Motion carried. Rep Novak is carrier.**

4:45 PM Chairman Heinert closed the meeting.

*Kathleen Davis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1488: Education Committee (Rep. Heinert, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was placed on the Eleventh order on the calendar.

**2023 SENATE EDUCATION**

**HB 1488**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

HB 1488  
3/14/2023

Relating to permission for a student to participate in extracurricular activities, cocurricular activities, and clubs.
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11:00 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

## **Discussion Topics:**

- Parental consent
- Administrative burden

Rep Marschall, Dist 16, bill sponsor testified in support with no written testimony.

Rep Koppelman, Dist 16 testified in support with no written testimony.

Christina Sambor, Youthworks, Bismarck, ND testified opposed #24726.

Gabriela Balf, psychiatrist, Bismarck, ND testified opposed #24747.

Caedmon Marx, Dakota Outright, testified opposed with no written testimony.

Barry Nelson, Fargo Human Rights, testified via TEAMS opposed #24606.

## **Additional written testimony:**

Kristie Miller, Bismarck, ND opposed #24736.

Tara Jensen, Fargo, ND opposed #24686.

Faye Seidler, Moorhead, MN opposed #24672.

Shannon Krueger, Minot, ND opposed #24645.

Christopher Brown, Minot, ND opposed #24069.

Alannah Valenta, Montpelier, ND opposed #24004.

Whitney Oxendahl, Fargo, ND opposed 23880.

Mary Weiler, Fargo, ND opposed #23867.

Derek Harnish, Fargo, ND opposed #23865.

Brenda Weiler, Fargo, ND opposed #23864.

Bree Langemo, Fargo, ND opposed #23847.

Erin Power, Fargo, ND opposed #23822.

11:43 AM Chair Elkin closed the hearing.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

HB 1488  
3/15/2023

Relating to permission for a student to participate in extracurricular activities, cocurricular activities, and clubs.
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11:27 AM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

**Discussion Topics:**

- Committee action

Sen Lemm moved a DO PASS.

Sen Conley seconded the motion.

Sen <b>Senators</b>	<b>Vote</b>
Senator Jay Elkin	N
Senator Todd Beard	Y
Senator Michelle Axtman	N
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES – 4 NO – 2 Absent – 0 Motion PASSED

Sen Lemm will carry the bill.

1:36 PM Chair Elkin adjourned the meeting.

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1488: Education Committee (Sen. Elkin, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



**TESTIMONY**

**HB 1488**

Dear Chair Heinert and members of the House Education Committee,

My testimony is in opposition to House Bill 1488. I ask that you give this bill a Do Not Pass. My reasons for this are several:

- 1.) As a parent with one school-age child and another soon to be in the public school system, I want my children to be able to discover for themselves their interests and talents as they grow older. I also want them to be able to seek the social and peer support that they need through various clubs, and while I certainly hope they always feel they can be open with me, I would never want that requirement to become a barrier to them securing needed peer to peer support.
- 2.) For children with abusive or challenging home environments, extracurriculars, clubs, and co-curricular activities can serve as a major protective factor – a safe place to make friends, to build self-esteem, and to have something positive to look forward to. I personally know people who relied on these various school activities to get them through middle and high school at a time when home was not a safe or emotionally nurturing environment. Requiring parental permission for simple activities may create more of a barrier to participation for those who may need these activities the most.
- 3.) Lastly, I recognize that we are in a workforce shortage and that our school systems are working hard to meet the needs of their students every day. Our school already seeks parental permission when needed, but this permission simply isn't necessary for every single activity. Growing up, I could run for student council or join a student club without permission from my parents. By adding this requirement, we're creating additional administrative work for the school staff. They could instead be spending that time doing more important things and meeting the needs of our kids.

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

Best regards,

Shannon Bacon

HB 1488 Testimony

I’m writing in opposition of HB 1488 and encourage our legislators to not support this legislation. As a parent of a transgender teen in the State of North Dakota, I find it more often than not that his LGBTQ+ friends do not have supportive home lives, and they often turn to their friends, supportive communities, or clubs and activities at school to find support. LGBTQ+ youth who lack support are more likely to be suicidal. In North Dakota, our LGBTQ youth have higher rates of suicidality, having seriously considered or attempted suicide compared to their straight peers. More than 50% of LGBTQ+ youth have seriously considered suicide and just under 50% have made a plan to do so. About 30% of transgender youth have attempted suicide. Suicidality is reduced significantly when LGBTQ+ youth have a supportive parent or family at home. Unfortunately, that is not often the case.

Based on the data below, a small number of LGBTQ+ youth in North Dakota, 5-7%, feel that they can talk to their parents when feeling sad, hopeless, or anxious. Significantly, 72% of our transgender youth report that their parents swore at them or put them down in the past year, and less than half of our transgender youth felt they had a teacher or adult to talk to if they had a problem. In addition, 27.2% of our transgender youth are not sleeping at home, and 20% have been kicked out, abandoned, or ran away. HB 1488 requires written parental permission for a student to join a club such as a Gay Straight Alliance at school. LGBTQ+ youth who do not have supportive families will lose possibly the only supportive community that could save their lives.

Please do not support this bill with a “Do Not Pass” vote as it can cause great harm to the unsupported LGBTQ+ youth in our state. In addition, the bill doesn’t really solve a problem that exists, and it adds a significant bureaucratic step for schools for any club.

**North Dakota High School LGBTQ+ Outcomes by Comparison**

High School Data Split by - Transgender (T)	Lesbian, Gay, Bi (LGB)	Straight (S)	
<b>Suicidality</b>	T	LGB	S
Qn26 - Seriously considered suicide 12 months before survey	53.2%	50.4%	16.2%
Qn27 - Made a plan about how they would kill themselves in past 12 months	49.2%	42.8%	13.2%
Qn28 - Have ever attempted suicide in past 12 months	30.4%	23.4%	6.1%

<b>Mental Health and Parents</b>	T	LGB	S
Qn114 - Youth who would talk to their parents if feeling sad, empty, hopeless, angry or anxious	5.6%	7.5%	22.2%
Qn87- Youth who didn’t usually sleep in parents or guardians home in the last thirty days	27.2%	7.3%	2.3%
Qn111 - Youth kicked out, ran away, or abandoned	20.0%	5.9%	2.7%
Qn115 - Youth whose parents swore at or put them down one or more times within 12 months of survey	72.2%	71.6%	44.6%
Qn25 - Youth who felt sad or hopeless almost every day for 2 weeks within the last 12th months	65.9%	71.4%	33.4%
Qn119 - Youth who reported mostly bad mental health within last 30 days	53.6%	64.8%	27.5%
Qn117 - Youth reporting one teacher/adult they can talk to if they have a problem	45.6%	56.8%	63.7%

Source: 2021 YRBS data from the ND Department of Public Instruction.

## House Bill #1488

68<sup>th</sup> Legislative Session

Representatives: Marschall, Heilman, Hoverson, Koppelman, Longmuir, Wagner

Senators: Clemens, Magrum, Wobbema

I am writing in opposition to this time, House Bill #1488.

I do not understand why this legislative body finds it necessary to require students to get parental permission to join a school club. There have not been any issues before so why now? The only reason I can think of is for the impeding of students to join a Gay, Straight Alliance Club also know as GSA Club in their school. I don't understand why the adults of North Dakota are attacking our youth, in particular the LGBTQ youth of North Dakota.

As a parent and native North Dakotan, I was raised to accept everyone for who they are and to yet this bill is doing the exact opposite. This bill is designed to be a barrier for LGBTQ youth who have not come out to their parents yet or whose parents are closed minded and not supportive of the LGBTQ community. There isn't anything helpful or positive in House Bill #1488.

As parents we encourage our children to learn and be a steward of our community. How is this bill fostering learning or stewardship? This bill is keeping kids from learning about their peers or maybe even learning something about themselves. This bill also doesn't foster stewardship, the helping and bringing together students.

There hasn't been a need to have parental permission until now and this is all because adults don't understand transgender people and think that this is a way to stop people from being transgender. That is the way people ignorant of the facts think.

I am a parent of a transgender person who went to public school in North Dakota. My child had a supportive mother who encouraged my children to join clubs. My daughter joined the GSA Club in her high school and she enjoyed it. My daughter got to meet kids from different grades. This isn't an opportunity for the gathering of just LGBTQ people but also straight kids who might have a family member in the LGBTQ group. GSA Clubs offer all the kids a chance to come together and have fun, do activities and just be there to listen to each other, be friends and know that all the kids are accepted no matter how they identify themselves. No one is rejected, made to feel bad for who they are but the exact opposite, the kids can be themselves, each and everyone of them.

GSA Clubs are not clubs that indoctrinate straight kids to be gay, lesbian or transgender. That is impossible; gay, lesbians and transgender people are born that way. Straight kids who attend a GSA Club are being supportive, are allies for their gay, lesbian or transgender peers and also are more empathetic in nature. GSA Clubs talk about current issues that impact the LGBTQ community. This is a living, breathing civics class. An adult advisor monitors the group so there isn't anything being done or discussed without an adult present.

Why are the legislators trying to curb acceptance, tolerance and the overall development of humanity within our schools? Schools are a place where these kids can gather with their peers and come together in a good and nurturing environment. A GSA Club has just as much right to be in schools as other clubs.

## House Bill #1488

Mandating students to ask for permission to go to a GSA Club is equal to mandating students to get a permission slip to go to any school event. You require students to get permission slips for ball games, hockey games, and all student events that happen on school grounds.

What this legislative body needs to do is allow the schools to continue to operate as is and leave the GSA Clubs and LGBTQ students alone. Instead of trying to exterminate transgender students with all these anti-transgender bills such as HB #1488, learn about these kids. Gain wisdom where ignorance thrives. I ask you where is your humanity in this bill and the other anti-transgender bills.

The way our future leaders will learn to live and be successful once they are adults stems from their experiences they have in school and in their community. What signal are you sending our youths by singling out the GSA Clubs and especially the transgender kids in North Dakota? Do you think our youth is getting the idea that it's ok to discriminate against people who are not carbon copies of their friends or themselves? They are exactly learning that it's ok to discriminate, to exclude and deprive others their civil rights.

This bill, HB #1488 also isn't what our Lord taught. Jesus taught love, acceptance and encouraged everyone to help one another. This bill is far from what Jesus taught and is the exact opposite. House Bill #1488 encourages hate, oppression and teaching kids to gang up and marginalize those who already have no voice. The authors of this bill and the other like it are bullies, picking on the LGBTQ youth of North Dakota. As adults, you should be looking to protect, help and show empathy to these kids. As law makers you have the obligation to look at both sides objectively and also learn the hard facts from both sides. No religious or false news influences should taint the decisions of the legislators.

A GSA Club in my daughters school helped her feel accepted, supported and excited to be amongst people in school because of the nurturing and support this club gave her. How is that bad? How can anyone who is knowledgeable about GSA Clubs feel threatened by the existence of these clubs?

I ask you to talk to a GSA group, go visit one and see for yourself the good things these groups do and learn for yourselves there isn't anything to fear from these groups whatsoever. Ask a parent of kids who attend GSA clubs how they feel and if they have any concerns.

I encourage you to vote no on House Bill #1488.

Kristie Miller  
Parent of Transgender

Testimony of Erin Price  
opposing  
HOUSE BILL NO. 1488  
House Education Committee  
February 7, 2023

Dear Chairman Heinert and members of the House Education Committee,

My name is Erin Price, and I am an Associate Professor of English at Bismarck State College. It is my honor to also be the faculty advisor for BSC's LGBT+ Club. I am submitting testimony to you today on behalf of myself and the Club members of Bismarck State College – many of whom were too scared to write to you themselves. They did not want their names on official testimony for fear of retribution from family, friends, and strangers. We are urging you to **oppose** and vote **DO NOT PASS** on HB 1488.

These incredibly talented, kind, funny, full-of-promise students live with this fear in the back of their minds constantly – just because they want to live authentically. I assure you; they are not fearful due to paranoia. I have been teaching since 2006 and many (too many) of my students at BSC have confided in me that they have been ostracized by family because they are in the LGBT+ community. They are marginalized and unsupported in too many ways, and HB 1488 will force our kids further into the shadows.

Take, for instance, a student of mine whose father often threatens to “beat the gay” out of people, and whose mother claims that “no gays will set foot in this house”. My student (who is gay) found solace in his school's GSA – not at home – and his involvement in this club, according to him, kept him alive in high school. Forcing students to obtain parent permission to join clubs can truly be a threat to the mental and physical health of our students. Maybe not for everyone, but even one student is too many, and passage of this bill will negatively affect countless students.

Further, according to data from the ND Department of Public Instruction, only 5-7% of LGBT+ kids in North Dakota feel safe talking to their parents about their mental health. Nearly 72% of ND transgender youth report verbal abuse at home, and less than 50% of ND transgender youth felt they had safe adult to talk to. Almost 28% of ND transgender youth are not sleeping at home, and 20% are not at home at all anymore. These students need our support, not roadblocks.

Please **oppose HB 1488**.

Thank you for considering my testimony.

Respectfully,

Erin Price  
*Associate Professor of English*  
*Faculty Advisor, LGBT+ Club*

*Bismarck State College*

Dear Chair Heinert and members of the House Education Committee,

My testimony is in opposition to House Bill 1488. I ask that you give this bill a Do Not Pass.

First, the logistics of this bill would deter anyone from joining any club at any school in the state. Fargo South High School lists 40 academic, co-curricular clubs, and non-curricular clubs. These do not include athletic teams (27 teams), nor fine arts (11 activities).

Logistically, requiring written permission from parents for their student to attend a single club meeting would create havoc and mountains of paperwork for teachers and advisers who are already overwhelmed and burning out.

School activities are when students are allowed to explore who they are, figure out where they belong, and where they can be themselves.

We should be encouraging our students to branch out and learn everything there is to learn about this world. Requiring parent permission would deter students from exploring the world around them.

We want strong, independent thinkers who are well-rounded. Requiring parent permission could block the next Gordon Ramsey, simply because a parent refused to allow their child to attend a cooking club meeting, or the next Picasso, the next Attorney General, the next Temple Grandin... all because the parents would not or could not give permission.

Vote DO NOT PASS on House Bill 1488.

Thank you,

Emily Vieweg



Dear Chair Heinert and members of the House Education Committee,

My testimony is in opposition to House Bill 1488. I ask that you give this bill a **Do Not Pass**.

**1. This Bill Creates an Unnecessary Administrative Burden**

Each school district, as you may know, governs their own policies around student clubs. While it varies, many clubs already do require parental permission. Any club that takes fees or travels, as an example, typically requires parental permission. These laws or bylaws are often constructed to give students a level of autonomy, except where involvement would require a parent. The statues I've read on this often read to me as fairly common sense.

**2. This Bill has Unintended Impacts on GSAs and Student Safety**

While I suspect the bill sponsors are trying to prevent underground chess clubs, they failed to realize how this could be used to prohibit Gender Sexuality Alliances for parents who were abusive or prohibitive to their LGBTQ+ youth. Or where LGBTQ+ Youth perceived their parents to not be safe. We see both play out in the data below:

**LGBTQ+ Access to mental health care ([Trevor Project](#))**

- 40% Wanted and received care
- 60% Wanted but did not receive care
  - 45% Concerns with obtaining parent/caregiver permission
  - 20% Lack of parent/caregiver permission

**North Dakota Youth Risk Behavior Survey ([YRBS](#))**

<b>Mental Health and Parents</b>	Trans	LGB	straight
Qn114 - Youth who would talk to their parents if feeling sad, empty, hopeless, angry or anxious	5.6%	7.5%	22.2%
Qn87- Youth who didn't usually sleep in parents or guardians home in the last thirty days	27.2%	7.3%	2.3%
Qn111 - Youth kicked out, ran away, or abandoned	20.0%	5.9%	2.7%
Qn115 - Youth whose parents swore at or put them down one or more times within 12 months of survey	72.2%	71.6%	44.6%

**Impacts of GSAs ([Clinical Research](#)) ([National Surveys](#))**

- Serves as Pprotective factor against suicide
- Less absenteeism
- Improved Grades

**3. Parental and Youth Rights Need to Be Carefully Weighed**

Expanding Parental Rights seems like a no brainer when we look at the incredible and amazing parents who compassionately advocate for and show their youth support. For the kids who have experienced abuse, expanding parental rights is about the most horrible thing you can imagine.

In terms of the states compelling interest, please consider the rights parents currently enjoy, the necessitude in expanding them here, and the potential for harm it may have on youth.

It is with these three considerations that I urge you to vote **Do Not Pass**. Thank you for your time, consideration, and service to our state,

Best regards,  
Faye Seidler

Dear Chair Heinert and members of the House Education Committee,

My testimony is in opposition to House Bill 1488. I ask that you give this bill a Do Not Pass.

I begin with curiosity as to why this is an urgent issue now in North Dakota. I was born and raised in North Dakota and joined a whole variety of school clubs as I explored interests, followed passions, and sought out community and friendships. Given the slate of other bills in our legislature, it would seem that this bill is directed toward GSAs or other LGBTQIA+ groups for students.

Statistics show that thoughts of self-harm and actions of self-harm are high among our youth in North Dakota and even higher among LGBTQIA+ youth specifically. We also know that having one supportive adult reduces that likelihood by a large margin. As does having a safe and supportive space to go. That is the intention of GSAs and similar groups- to provide a safe and supportive place. For many youth, they are not out to their parents and this bill would force them to come out before they are ready. Or they may have unsupportive parents & permission would be unlikely- if they even ask. Requiring permission could likely remove a club like this as a supportive space for a LGBT youth. This bill would cause further harm on a youth who already feel unsupported and vulnerable.

As an aunt to four young kids living in ND, I want them to grow up feeling supported and to have access to resources that help them belong and feel safe. Intentionally passing bills targeting LGBTQIA youth does not promote a culture of safety and diversity.

As a faith leader, I am called to be concerned for the welfare of all people, with particular attention to the vulnerable and marginalized. LGBTQ youth need our support and need places to feel safe. Please vote do not pass for the sake of the harm this will do to our youth and schools.

Deacon Erin Power, Eastern North Dakota Synod, ELCA

Fargo, ND

HB 1488 Testimony

I’m writing in opposition of HB 1488 and encourage our legislators to not support this legislation. As a parent of a transgender teen in the State of North Dakota, I find it more often than not that his LGBTQ+ friends do not have supportive home lives, and they often turn to their friends, supportive communities, or clubs and activities at school to find support. LGBTQ+ youth who lack support are more likely to be suicidal. In North Dakota, our LGBTQ youth have higher rates of suicidality, having seriously considered or attempted suicide compared to their straight peers. More than 50% of LGBTQ+ youth have seriously considered suicide and just under 50% have made a plan to do so. About 30% of transgender youth have attempted suicide. Suicidality is reduced significantly when LGBTQ+ youth have a supportive parent or family at home. Unfortunately, that is not often the case.

Based on the data below, a small number of LGBTQ+ youth in North Dakota, 5-7%, feel that they can talk to their parents when feeling sad, hopeless, or anxious. Significantly, 72% of our transgender youth report that their parents swore at them or put them down in the past year, and less than half of our transgender youth felt they had a teacher or adult to talk to if they had a problem. In addition, 27.2% of our transgender youth are not sleeping at home, and 20% have been kicked out, abandoned, or ran away. HB 1488 requires written parental permission for a student to join a club such as a Gay Straight Alliance at school. LGBTQ+ youth who do not have supportive families will lose possibly the only supportive community that could save their lives.

Please do not support this bill with a “Do Not Pass” vote as it can cause great harm to the unsupported LGBTQ+ youth in our state. In addition, the bill doesn’t really solve a problem that exists, and it adds a significant bureaucratic step for schools for any club.

**North Dakota High School LGBTQ+ Outcomes by Comparison**

High School Data Split by - Transgender (T)	Lesbian, Gay, Bi (LGB)	Straight (S)	
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Qn117 - Youth reporting one teacher/adult they can talk to if they have a problem	45.6%	56.8%	63.7%

Source: 2021 YRBS data from the ND Department of Public Instruction.

Dear Chair Heinert and members of the House Education Committee,

I am submitting testimony **in opposition to House Bill 1488**. I ask that you give this bill a Do Not Pass.

This bill will create an unnecessary burden on our school districts, who already have policies in place to govern their clubs and extracurricular activities.

I feel this bill would also harmfully affect our LGBTQ+ youth, who benefit greatly from participating in GSAs (Gender Sexuality Alliances) at school. GSAs show improved grades, less absenteeism, and protect against suicide for these youth. By requiring parent approval, it is likely many LGBTQ+ youth will not be able to benefit from these groups, especially if they come from abusive and/or unsupportive or unsafe homes.

Please consider the harm this bill could do to our LGBTQ+ youth in North Dakota.

Thank you,  
Brenda Weiler

Dear Chair Heinert and members of the House Education Committee,

I am submitting testimony **in opposition to House Bill 1488**. I ask that you give this bill a Do Not Pass.

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Please consider the harm this bill could do to our LGBTQ+ youth in North Dakota.

Thank you,  
Derek Harnish

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Please consider the harm this bill could do to our LGBTQ+ youth in North Dakota.

Thank you,  
Mary Weiler

**Senate Education Committee**  
**March 14th, 2023**  
**HB 1488 - Testimony in Opposition**

Chairman Elkin and members of the Senate Education Committee, my name is Whitney Oxendahl and I am writing in opposition of HB 1488.

I oppose this bill because I am a parent of three small children, who I want to grow up to be independent adult humans who can make their own decisions. If I want to know what they are taking part in after school, I can ask them and build that relationship with them.

This parental rights bill does not reflect my parental values. Let parents parent their kids and not legislate it unnecessarily.

Thank you for the opportunity to share my testimony.





The North Dakota Association of School Psychologists (NDASP) asks lawmakers to oppose the harmful policies outlined in the table below that target LGBTQ+ youth. These policies disallow students from using school facilities consistent with a student’s gender identity; require parental consent to have a student’s gender identity affirmed and acknowledged in school; mandatory parental notification when a student discloses they may be questioning their sexuality or gender identity; prohibition of classroom instruction on nonheteronormative sexual orientations and gender identities; removal of classroom materials that are inclusive of LGBTQ+ students and families; and afford protections for individuals who refuse to affirm a student’s identity and punitive measures for individuals who do. The following bills are discriminatory, against best practices, and do not reflect the peace and tranquility North Dakota is known for.

Vote NAY on House Bills			Vote NAY on Senate Bills
HB1249	HB1333	HB1489	SB2199
HB1254	HB1403	HB1522	SB2231
HB1297	HB1473	HB1526	SB2260
HB1301	HB1474		
HB1332	HB1488		

These proposed bills are in direct conflict with NDASP’s adopted position statement from the National Association of School Psychologists (NASP) which states that:

Positive educational and social outcomes for all children and youth are possible only in a society—and schools within it—that guarantees **equitable treatment to all people**, regardless of race, class, culture, language, gender, gender identity, religion, sexual orientation, nationality, citizenship, ability, and other dimensions of difference (NASP, 2019).

Additionally, school psychologists are guided by an ethical code that calls for beneficence, through which they respect the rights and dignity of all persons, and nonmaleficence, which requires that they do no harm. NASP’s ethical standards require school psychologists to validate and affirm a young person’s authentic lived experience, value their integrity, ensure their safety, and promote their well-being (NASP, 2020b). The proposed laws would prohibit school psychologists from practicing ethically.

Our LGBTQ+ youth need our support now more than ever. Some alarming statistics from The Trevor Project 2022 Survey include:

- 45% of LGBTQ youth seriously considered attempting suicide in the past year.
- 60% of LGBTQ youth who wanted mental health care in the past year were not able to get it.
- 73% of LGBTQ youth reported experiencing symptoms of anxiety
- 58% of LGBTQ youth reported experiencing symptoms of depression

NDASP also vehemently supports the use of evidence-based practice through an ethical lens. Conversion 'therapy' is not evidence based and has been determined to be fraudulent by several states. In fact, "The present-day scientific consensus is that such practices are not only ineffective, but highly harmful and fundamentally unethical." (Conine, Campau, Petronelli, 2022). Examples of historical unethical practices used in conversion therapy include corporal punishments such as spanking and electroshock therapy, among other questionable practices. The United Nations Human Rights Council (2020) goes as far to say that these practices are not only a public health problem, but also "violate the prohibition of torture and ill-treatment." 17% of LGBTQ youth reported being threatened with or subjected to conversion therapy (The Trevor Project, 2022), which can have life-threatening effects.

Support for LGBTQ+ youth leads to better outcomes for them and society as a whole. LGBTQ+ youth report that when adults talk to them respectfully about their LGBTQ+ identity and use their names and pronouns correctly, they feel supported. Research indicates that LGBTQ+ youth are more resilient when they have supportive people in their lives. Further, LGBTQ+ youth with higher resilience are 59% less likely to attempt suicide and 69% less likely to consider suicide (The Trevor Project, 2022). NDASP supports legislative actions to increase access to mental health for all individuals, including LGBTQ+ youth.

Please join NDASP in supporting our LGBTQ+ youth by voting "nay" on the house and senate bills listed above.

Sincerely,



Alannah Valenta, PsyS, NCSP

NDASP President, on behalf of North Dakota Association of School Psychologists

References:

Conine, D. E., Campau, S. C., & Petronelli, A. K. (2022). LGBTQ+ conversion therapy and applied behavior analysis: A call to action. *Journal of Applied Behavior Analysis* (55, 6-18).

National Association of School Psychologists. (2022). Safe and Supportive Schools for Transgender and Gender Diverse Students. [Position Statement].

National Association of School Psychologists. (2020b). The Professional Standards of the National Association of School Psychologists.

National Association of School Psychologists. (2019). Prejudice, Discrimination, and Racism. [Position Statement].

The Trevor Project. (2022). 2022 National Survey on LGBTQ Youth Mental Health. [www.thetrevorproject.org/survey-2022/assets/static/trevor01\\_2022survey\\_final.pdf](http://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf)

United Nations Human Rights Council. 2020, Report on Conversion Therapy, <https://www.ohchr.org/en/calls-for-input/report-conversion-therapy>. Accessed 27 Jan. 2023.

Dear Legislators and Committee Members,

My testimony is to ask that you give this bill a Do Not Pass.

I am a public school educator and a 29 year resident of North Dakota. This bill actively harms members of community.

Thank you for your time and consideration.

Sincerely,

Christopher Brown

Chairperson, Senator Jay Elken, members of the Senate Education committee, I am Barry Nelson, here on behalf of the Fargo Human Rights Commission to testify regarding HB 1488, and on behalf of the Commission I urge you to vote do not pass on this bill.

The Fargo Human Rights Commission consists of [eleven volunteer members](#) who are nominated by the Mayor and appointed by the City Commission. Each serves a three-year term. The Human Rights Commissioners represent a broad range of racial, religious, ethnic, social, economic, political and professional groups.

**Our mission is:** The Fargo Human Rights Commission provides leadership and education in areas of civil rights, to eliminate discrimination against persons because of color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability, or marital status. It encourages adherence to civil rights through education, conciliation, and mediation. It identifies human and civil rights-related concerns of the public and recommends policies to the board of city commissioners that protect and preserve individual rights.

At its February, 2023 commission meeting, the assembled commission members voted unanimously on a resolution standing in opposition to the numerous bills targeting our Transgender community.

Our opposition to these bills is based on two principles: 1) it is harming our kids, and 2) it is restricting our freedoms.

In support of principle number one, I cite the following: National research tells us that 75% of transgender youth feel unsafe at school and are more likely to miss school out of concern for their safety. The North Dakota Youth Risk Behavior Surveillance (YRBS) data from 2021 indicates that suicide ideation and attempts are disproportionately higher for LGBTQ. Evidence is as follows: middle school students who ever seriously considered suicide: straight – 22%; LGB – 65%; Transgender – 74.7%. Middle school students who have ever attempted suicide: straight – 7.5%; LGB – 29.3%; Transgender – 46.3%.

Passing bills that directly or indirectly target LGB and specifically Transgender students only enhance this environment by further targeting them within schools and community.

It is within the overall context of the numbers and breadth of bills being presented in this legislative body, that we stand in opposition to HB 1488.

But first, if you would allow an old man to reflect on growing up in North Dakota. I am born and raised in North Dakota. I attended a small school where participation in sports, music and extra-curricular activities was not only encouraged, it was deemed essential to the vitality of the school. I had the good fortune of being raised in a family that encouraged that level of participation.

Secondarily, in the last several decades, it has been a constant that students, as they apply for higher ed appointments or employment are considered not solely on their academic achievements, but also on their extra-curricular activities.

It is in that context that I am both blindsided and flummoxed by a bill of this nature. Whatever purpose does a STATE law mandating that a student's participation in an extracurricular activity have to be approved by a parent?

It both challenges a premise: what parent would challenge, much less deny their child's participation in an extra-curricular activity? Is it that parent that is adamantly opposed to their child's participation in the school's chess club?

In the scope of everything important that elected officials are called upon to rule, it begs the question: Why? Why, when we know that a student's participation in extra curriculums, in co-curriculums in clubs positively affects their academic and social participation, Why, would we wish to set up artificial barriers to that participation? Why?

Please vote Do Not Pass on HB 1488. It is the epitome of government overreach in the nth degree.

**Senate Education Committee**  
**March 14th, 2023**  
**HB 1488 - Testimony in Opposition**

Chairman Elkin and members of the Senate Education Committee,

My name is Shannon Krueger and I am writing in opposition of HB 1488. As an educator and school counselor, I see firsthand the benefits of school clubs, co-curricular, and extracurricular activities. Children can find unique, creative outlets and friends with similar interests. One of my own children found enjoyment in school activities like math club and chess club.

Unfortunately, children could miss these opportunities if parent permission were required. I see firsthand parents/guardians who rarely, if ever, return communication from school. For a number of reasons, there are parents/guardians who do not return permission slips, they do not send snacks or tissues at the beginning of the year, and they rarely if ever attend conferences or family nights or concerts. Some children avoid asking parents for fear of inconveniencing them. Some children's parents are incarcerated or hospitalized and their guardians are barely keeping up with their minimum daily tasks.

When we talk about making policies for all children, we need to consider all children's circumstances. Parent/guardian permission is not a simple ask for everyone.

Thank you.

**Senate Education Committee**  
**March 14th, 2023 HB 1488**  
**Testimony in Opposition**

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Dear Chair Elkin and the members of the Senate Education Committee,

I urge a “Do Not Pass” on HB 1488.

- This bill doesn’t achieve the purported goal Rep. Koppelman describes
- In practice would create nightmare of paperwork and harm disenfranchised kids
- There is no benefit to this bill in its current form and needlessly attempts to take away local control from schools.

While introduced by Representative Marschall as the primary sponsor, he said that he has spoken to no school or parent about this bill and deferred to Representative Koppelman. Rep. Koppelman then spent about fifteen minutes explaining that the intention of this bill was twofold.

1. A tool for better parenting
2. A means to understand where their kid was after school.

At neither point did either representative give any reason to why parental permission on joining clubs was required to achieve the goal of understanding where kids were after school. A kid getting a signature to join a club doesn’t solve that problem. They can still get a signature for the chess club, then ditch that club and do whatever.

This bill proposes to create an enormous administrative burden to micromanage every single club, when that is strictly not necessarily. Rep. Koppelman makes a fantastic point that after school clubs are optional. No kids are forced into optional after school clubs, unlike the requirement for kids to be in school that Rep. Koppelman makes several times.

So, why would parental permission become required for this or the solution to knowing where kids are? Parents can ask their child, they can bring children home after school or demand it, kids can skip the clubs they get permission to be in. None of this solves any problem. The bill has no teeth or punitive measure, so would this not be better suited as a resolution?

North Dakota has always valued giving schools local control, so why is this not left up to each school district where it belongs? And if a school district deemed that parental permission was required for every single club, where does that leave our students without involved parents in their life? This bill will hurt LGBTQ+ students, but honestly it will be more devastating to the larger amount of straight, cisgender youth with absent parents in their life.

Rep. Koppelman addresses this point by suggesting that the kid in bad situations should get help from the state and it isn’t this bill’s job to make school a better place for youth in those

situations. I believe that is perhaps the best reason to urge a “Do Not Pass” here, because he clearly has no idea what life is like for students, especially ones with absent or violent parents. His answer to that question during the committee hearing and the complete lack of real empathy for the impact of his bill on those youth was one of the most insulting things I’ve seen this session.

I thank you for your time, consideration, and service to our state,  
 Faye Seidler

**Testimony Analysis**

**In Favor**

- Just spoken by Koppelman all points above.

**Opposition Key Points**

- [Requiring parental permission is burdensome on school and detrimental to all children](#)
- [Parents don't feel they can talk to parents, making joining clubs difficult all students](#)
- [Could impact Gender Sexuality Alliances](#)
- [Could Endanger LGBTQ+ Students](#)

Written Testimony	Favor	Opposition
Word Count	0	3,423
Citizen	0	6
Stakeholder/Qualified*	0	7
Politician/lobbyist	1	0
Total 14	1	13
	7.14%	92.86%
In person testimony Mins	20	5
Total Minutes 25	80.00%	20.00%

Committee Vote	Do pass	Don't pass
Total 14	10	4
	71.43%	28.57%

Floor Vote	Yay	Nay
Total 91	53	38
	58.24%	41.76%

\*Stakeholder/Qualified for this bill was determined individuals testifying specifically as parents, school workers, or therapists.



March 13, 2023

RE: Opposition to HB 1488

Chairman and Legislators:

I write in opposition to HB 1488. As a parent, I have witnessed the agony of living misaligned between brain and body and how simply feeling a sense of belonging when part of a club, the joy of being part of a team, and the confidence that comes with contributing to a group can positively affect the quality of life. I have also witnessed the devastating impact of what physical violence, verbal abuse, segregation, abandonment, bullying and intentional rejection can have on a once thriving child when discrimination is allowed and encouraged in the school setting and activities.

We all know that activities build work ethic, character, and social skills. Activities boost self- confidence, character, and leadership skills. When exclusion exists, young people find ways to deal with the rejection and loneliness often in unhealthy ways.

By opposing HB 1488, you will ensure that all students have a chance to participate in activities to build vital life-skills and not fall into abusive habits or increased risk of mental health disorders.

Please vote DO NOT PASS to HB 1488. Thank you.

Sincerely,

Tara Jensen

Fargo ND 58102

**Testimony in Opposition to HB 1488**

*Christina Sambor, Lobbyist No. 312 – Legislative Coordinator, North Dakota Human Rights Coalition, Youthworks*

**North Dakota Senate Education Committee**

**March 14, 2023**

Chairman Elkin and Members of the Committee:

My name is Christina Sambor, I am submitting testimony on behalf of the North Dakota Human Rights Coalition and Youthworks to oppose HB 1488. The necessity of this bill is far from clear. Whether or not a particular school district has an issue with parental permission for their child's membership in a particular club appears to be an entirely local issue. Have the bills sponsors provided any data from school districts that this is an overwhelming problem in need of a statewide solution? Do school districts even want or support such policy? Why are we increasing governmental involvement and bureaucracy where there is hardly a need?

There are many pressing issues facing North Dakota students currently. Mental health, loneliness, homelessness, and hunger to name a few. Rather than proposing legislation that appears to be attempting to manufacture a problem, we should be focused on evidenced-based problems that we know are plaguing our youth.

For example, in recent national reporting, the Youth Risk Behavior Survey found that nearly 60 percent of high school girls experienced persistent feelings of sadness. Almost a quarter made a suicide plan. That is problem that needs focus and solution. Many believe, and there is evidence to support, that the proliferation of social media is tied to this spike. In light of this, why would we put up barriers to youth participation in extracurricular activities that increase their in person socialization with peers, interaction with caring adults in their school, and the social and skill development that goes along with participation in extracurricular activities?

1 in 12 North Dakotan children face hunger and 1 in 6 families sought hunger assistance. Over 2,000 school aged North Dakotans experienced homelessness in 2022. Let's focus on listening to and understanding our youth, their parents, our teachers and our school boards, to determine whether or not there is a problem here, or if we're creating an administrative burden with no benefit, and if efforts such as HB 1488 serve to increase mistrust in our schools for no reason. Please vote do not pass on HB 1488.

## House Bill #1488

68<sup>th</sup> Legislative Session

Representatives: Marschall, Heilman, Hoverson, Koppelman, Longmuir, Wagner

Senators: Clemens, Magrum, Wobbema

I am writing in opposition to this time, House Bill #1488.

I do not understand why this legislative body finds it necessary to require students to get parental permission to join a school club. There have not been any issues before so why now? The only reason I can think of is for the impeding of students to join a Gay, Straight Alliance Club also know as GSA Club in their school. I don't understand why the adults of North Dakota are attacking our youth, in particular the LGBTQ youth of North Dakota.

As parents we encourage our children to learn and be a steward of our community. How is this bill fostering learning or stewardship? This bill is keeping kids from learning about their peers or maybe even learning something about themselves. This bill also doesn't foster stewardship, the helping and bringing together students.

There hasn't been a need to have parental permission until now and this is all because adults don't understand transgender people and think that this is a way to stop people from being transgender. That is the way people ignorant of the facts think.

I am a parent of a transgender person who went to public school in North Dakota. My child had a supportive mother who encouraged my children to join clubs. My daughter joined the GSA Club in her high school and she enjoyed it. My daughter got to meet kids from different grades. This isn't an opportunity for the gathering of just LGBTQ people but also straight kids who might have a family member in the LGBTQ group. GSA Clubs offer all the kids a chance to come together and have fun, do activities and just be there to listen to each other, be friends and know that all the kids are accepted no matter how they identify themselves. No one is rejected, made to feel bad for who they are but the exact opposite, the kids can be themselves, each and everyone of them.

GSA Clubs are not clubs that indoctrinate straight kids to be gay, lesbian or transgender. That is impossible; gay, lesbians and transgender people are born that way. Straight kids who attend a GSA Club are being supportive, are allies for their gay, lesbian or transgender peers and also are more empathetic in nature. GSA Clubs talk about current issues that impact the LGBTQ community. This is a living, breathing civics class. An adult advisor monitors the group so there isn't anything being done or discussed without an adult present.

Why are the legislators trying to curb acceptance, tolerance and the overall development of humanity within our schools? Schools are a place where these kids can gather with their peers and come together in a good and nurturing environment. A GSA Club has just as much right to be in schools as other clubs. Mandating students to ask for permission to go to a GSA Club is equal to mandating students to get a permission slip to go to any school event. You require students to get permission slips for ball games, hockey games, and all student events that happen on school grounds.

## House Bill #1488

What this legislative body needs to do is allow the schools to continue to operate as is and leave the GSA Clubs and LGBTQ students alone. Instead of trying to exterminate transgender students with all these anti-transgender bills such as HB #1488, learn about these kids. Gain wisdom where ignorance thrives. I ask you where is your humanity in this bill and the other anti-transgender bills.

The way our future leaders will learn to live and be successful once they are adults stems from their experiences they have in school and in their community. What signal are you sending our youths by singling out the GSA Clubs and especially the transgender kids in North Dakota? Do you think our youth is getting the idea that it's ok to discriminate against people who are not carbon copies of their friends or themselves? They are exactly learning that it's ok to discriminate, to exclude and deprive others their civil rights.

This bill, HB #1488 also isn't what our Lord taught. Jesus taught love, acceptance and encouraged everyone to help one another. This bill is far from what Jesus taught and is the exact opposite. House Bill #1488 encourages hate, oppression and teaching kids to gang up and marginalize those who already have no voice. The authors of this bill and the other like it are bullies, picking on the LGBTQ youth of North Dakota. As adults, you should be looking to protect, help and show empathy to these kids. As law makers you have the obligation to look at both sides objectively and also learn the hard facts from both sides. No religious or false news influences should taint the decisions of the legislators.

A GSA Club in my daughters school helped her feel accepted, supported and excited to be amongst people in school because of the nurturing and support this club gave her. How is that bad? How can anyone who is knowledgeable about GSA Clubs feel threatened by the existence of these clubs?

I ask you to talk to a GSA group, go visit one and see for yourself the good things these groups do and learn for yourselves there isn't anything to fear from these groups whatsoever. Ask a parent of kids who attend GSA clubs how they feel and if they have any concerns.

I encourage you to vote no on House Bill #1488.

Kristie Miller  
Parent of Transgender

March 14<sup>th</sup>, 2023

From: Gabriela Balf, MD, MPH

**Re: In Opposition to HB 1488**

Dear Chairman Elkin, esteemed Committee Members,

My name is Gabriela Balf, I am a psychiatrist and a parent in Bismack, and I speak on my own behalf.

My psychiatry practice includes adolescents, and I am deeply concerned about the prospect of **taking away the reliable support that our schools provide**. Please keep in mind that there are children who don't have the fortune of having understanding parents/guardians, or their parents/guardians disagree on the child's upbringing.

I sometimes face these situations in my practice, where one parent/guardian is more educated than another regarding mental health care, and their disagreement is a source of significant stress and delay in care. I can recall at least a couple of instances where the child ended up in the hospital and only then both parents/guardians agreed on the diagnosis, let alone on pursuing the standard of care treatment.

I also treat parents with mental health problems or substance use disorders who do not meet the criteria for child abuse/neglect (I am a mandated reporter), yet their behavior and beliefs are not the most conducive to the adolescent's development. The only other supervised source of strength for the child is the school environment, created and maintained by people who specialized in education.

In medicine we face these situations all too often, and my colleagues in Family Medicine or ObGyn have provisions where they can maintain confidentiality in certain circumstances like mental health, sexual health, etc.

I believe children associations and clubs are a healthy socialization venue and, if we trust our children to go to a school, or drive by themselves, they can also practice judgment about how to pursue their interests, extra- or co- curricular or club-wise. Children and adolescents need to mature psychologically; the only way to do this is by **studying and socializing with peers, in a supervised environment**. I think we all agree that our ND schools, among the best in nation, are a wonderful environment for their safe growth.

Policies have to protect those in need and, while we all wish adults were educated and well-intended, I know quite a few who are not. In these rare instances, we must protect the children. I urge you to not take away healthy, safe ways to cope with stress and give a **DO NOT PASS** on HB 1488.

Respectfully yours,



Gabriela Balf, MD, MPH

Clin Assoc Prof – UND Dept of Psychiatry and Behavioral Science