

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

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

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

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

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

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

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

- 1       4. A parent shall submit a written or electronic request for information pursuant to this  
2       section to the school principal or the superintendent of the school district. Within  
3       ten days of receiving the request for information, the school principal or the  
4       superintendent shall deliver the requested information or a written explanation of the  
5       reasons for the denial of the requested information to the parent. If the request for  
6       information is denied or the parent does not receive the requested information within  
7       ten days, the parent may submit a written request for the information to the board of  
8       the school district, which shall consider the request during an executive session at the  
9       next meeting of the board.
- 10      5. A parent claiming to be aggrieved by a violation of this section may assert that  
11      violation as a claim or defense in a judicial proceeding and obtain appropriate relief,  
12      including costs and reasonable attorney's fees. A school board shall indemnify and  
13      hold harmless all school personnel for any violations of this section.