

Honorable Representatives of the House Education Committee,

I respectfully submit this letter in opposition to HB 1356 on behalf of Fargo Public Schools Board of Education and as the Chief Executive Officer of Boys & Girls Clubs of the Red River Valley – one of the very organizations this bill benefits.

It is apparent to engaged observers that HB 1356 is an attempt to resurrect failed SB 2299 from the last legislative session – please refer to comparison table below. It is commonly known both bills are an attempt by one organization, albeit an excellent one that I admire and have partnered with, that is experiencing ongoing membership recruiting and retention difficulties.

HB 1356 alters NDCC to require every public school in North Dakota to allow, during the first quarter of each academic year, a narrow segment of youth-serving organizations' exclusive access to students for recruiting purposes while interrupting instructional time to benefit "patriotic societies" as defined under title 36, United States Code, subtitle II, part b, as of January 1, 2021: <https://www.law.cornell.edu/uscode/text/36/subtitle-II/part-B>

The organizations identified as patriotic societies within HB 1356 are indeed established and respectable youth-serving organizations with positive missions. This list includes Boys & Girls Clubs of America, founded 1860; Boys Scouts of America, founded 1910; Girls Scouts of the United States of America, founded 1912; Little League Baseball, founded 1950; etc.

I further respectfully submit North Dakota Century Code should not be exploited to revive and maintain certain organizations' membership, regardless of historically-reputable programming. These organizations already have access to recruit via other channels (as most others successfully do) including back-to-school nights, word of mouth, and through internal and external paid advertisements (such as *ADventures for Kids* and *ADventures for Teens* in Fargo Public Schools).

HB 1356 creates an unfair recruiting advantage over other, also reputable and productive youth organizations not listed in United State Code, and will expose our State and school districts to legal challenges. To that point, *equal access to FPS students for recruiting purposes was challenged by another national youth-oriented organization in 2015* that leveraged a national non-profit advocacy legal firm that ultimately resulted in FPS Administrative Policy 4512, but only after spending several thousands of dollars and staff time that could have been directed toward educating students:

<https://www.fargo.k12.nd.us/cms/lib/ND01911460/Centricity/domain/53/policies/instruction/AP%204512%20Non-Curriculum%20Clubs.pdf>

As mentioned above, I serve as the CEO of a local Boys & Girls Clubs chartered organization that operates youth programming in 13 facilities in Fargo. HB 1356 could most certainly benefit my organization, yet I still oppose this bill's approach due to its misdirected effort to benefit one organization that may be experiencing difficulty in recruiting and retaining membership.

67 th Legislative Session, 2021	66 th Legislative Session, 2019
HB 1356 https://www.legis.nd.gov/assembly/67-2021/documents/21-0460-01000.pdf "Representatives of a youth patriotic society must be allowed to speak to students during regular school hours at each public school in the state during the first quarter of each academic school year to inform the students about the society and to explain how students may participate in or join the society."	Failed SB 2299 https://www.legis.nd.gov/assembly/66-2019/documents/19-0590-01000.pdf "The principal of a public school shall allow a representative of a patriotic society, during regular school hours and on school premises, to present information and recruit students to participate in the patriotic society"

Thank you for your serious consideration of altering a section of North Dakota Century Code that will result in exclusionary access to student instructional time, and will knowingly expose us to legal challenges if HB 1356 were passed.

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