

**2021 SENATE EDUCATION**

**SB 2186**

# 2021 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Room JW216, State Capitol

SB 2186  
1/18/2021

A BILL relating to verification of criminal history background checks for public and nonpublic school employees.
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**Chair Schaible** opened the hearing at 2:30 p.m.

**Discussion Topics:**

- School employee background checks

**Sen. JoNell Bakke** introduced the bill. #1242.

**Amy De Kok , NDSBA:** testified opposed to bill. #1248

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

**Additional written testimony:**

**Submitted late:** Thomas Warman #2886

Adjourned at 2:39.

*Lynn Wolf, Committee Clerk*

Testimony for SB 2186

Senator JoNell Bakke

Chairman Schaible and members of the Education Committee. It is my pleasure to stand before you and introduce SB2186. This bill came at the request of a constituent who was concerned about the safety of our school age children.

This gentleman found that only employees with direct contact with children were required to undergo a background check in order to work within a school district. He felt that all employees in the district should have these background checks as although they might not have permitted direct contact with children, there is always the possibility that they could enter a school building with their ID badge and thus have direct access to children without the knowledge of district administration.

This bill would require that all school district employees going forward would have to undergo a background check as a condition of their interview process. The district would then make a decision about whether or not to employ this individual.

That is the bill and I will stand for any questions at this time.

**NDSBA****NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION**

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**SB 2186**  
**Testimony of Amy De Kok**  
**Senate Education**  
**January 18, 2021**

Chairman Schaible and members of the Senate Education committee, my name is Amy De Kok. I am in-house legal counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to SB 2186.

NDSBA and its member districts recognize the important job our districts and their staff have in serving the children of our state. We all take that job very seriously. This includes our districts making every effort to hire and retain quality staff that only have the best interests of the students at heart. Currently, ND law requires that all individuals employed by a school district and having any unsupervised contact with children undergo a criminal history background check. This requirement is found in NDCC 15.1-06-06 regarding approval of public schools. The purpose of this requirement is clear: the safety of the vulnerable population of students our districts serve.

Most school districts adopt hiring policies containing a procedure for requesting and adjudicating criminal history checks. Again, all employees anticipated to have any amount of unsupervised contact with students are required by law to undergo a criminal history background check. In addition, most districts have a policy requiring all volunteers who may have any unsupervised contact with children to undergo criminal history background check. In addition, other positions have criminal history background requirements in place, such as bus drivers. This is all to say that school districts in North Dakota take the safety of their students extremely seriously and go above and beyond the requirements in law to ensure they are only allowing safe people in their buildings and around students. For these reasons, NDSBA believes SB 2186 is unnecessary.

In addition, if passed, SB 2186 would require school districts to obtain a criminal history background check on any individual employed by the district, regardless of position and regardless of whether they have any contact with students. These checks are run through BCI and cost the district approximately \$40 each. SB 2186 would greatly expand a district's legal and financial obligation without any corresponding funding source. In other words, districts will be forced to further stretch their tight budgets to adhere to this requirement.

Finally, having a blanket requirement that any and all persons hired and employed by a school district, regardless of position or job duties, undergo a criminal history background check could deter qualified candidates from positions districts already have trouble filling.

NDSBA asks the committee to issue a do not pass recommendation on SB 2186. I would be happy to answer any questions the committee may have.

January 20, 2021

The Honorable JoNell Bakke  
Grand Forks, ND 58201-3974

RE: SB 2186

Dear Senator Bakke:

My name is Thomas Warman, and I am the principal of Sawyer School, in Sawyer, ND. I am writing to you because I support SB 2186, but I was not able to attach a link for testimony at the committee hearing, although I was able to watch it.

In September of 2019, I received a tip that a plumber who was working in our school was a registered sex offender. A quick internet search confirmed this report, and the school was quietly placed in lockdown while the Ward County Sheriff's Department responded. As I later reflected, I thought about how many registered sex offenders can work in our schools and even in private homes where women and children are often home alone with plumbers, electricians, and other service professionals. I believe that this is a tragedy waiting to happen, and one we can prevent with stricter laws on background checks.

A few months after this, the Department of Defense began allowing veterans with disability ratings to have access to commissaries on military installations. As a veteran with a disability rating, I went to the Minot Air Force Base visitors center to learn how to take advantage of this opportunity. I was told that they would need to run a quick background check before I was allowed access, and this process took roughly 10-15 minutes. They were quickly able to see that there was nothing in my background that posed an imminent threat.

I realize that background checks in the state are behind, but I believe that these basic background checks that ensure people who have been convicted of crimes of violence, including sexual violence, and other crimes that current statutes would require registration as a sex offender are necessary. We must ensure that all people who work in schools and around children pose as little threat as possible.

Someone at the hearing testified that passing this law would reduce the amount of people in hard to fill jobs. Not only do I disagree with that argument, because these jobs are plentiful in North Dakota and probably rarely involve going into schools, but I also find this argument dangerous. I never want to have to tell a parent that their child was sexually assaulted in a school bathroom by anyone, let alone a worker who had a history of sexual violence, but was allowed entry to the school because no one could be bothered to check their background. The potential is there, and it scares me to death. If a quick background check can save one child, one family this heartache, I believe it is worth it. For this reason, I am in full support of SB 2186. Thank you.

Sincerely,



Thomas Warman  
Minot, ND 58703

# 2021 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Room JW216, State Capitol

SB 2186

1/25/2021

A BILL relating to verification of criminal history background checks for public and nonpublic school employees.
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**Chair Schaible** called committee to order at 2:44 p.m.

**Discussion Topics:**

- Background checks for school workers

**Sen Elkin: Moved Do Not Pass.**

**Sen Wobbema: Second.**

**Roll Call Vote: 6-0-0 Motion Passed.**

**Sen Elkin** will carry the bill.

Adjourned at 2:50 p.m.

*Lynn Wolf, Committee Clerk*

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

SB 2186	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

**REPORT OF STANDING COMMITTEE**

**SB 2186: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Eleventh order on the calendar.