



Great Public Schools

Great Public Service

Testimony on SB 2288
Senate Finance and Taxation Committee
February 9, 2021

Good morning, Chairwoman Bell, and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. ND United is a union of 11,500 professionals, including K-12 teachers, dedicated to public service. On behalf of our members, I rise today in opposition to SB 2288 and to urge a DO NOT PASS recommendation for this bill.

Chairwoman Bell, North Dakotans have long valued the principle of a high-quality public school system. In fact, our Founders so valued that principle that they embedded it in our State Constitution. Section 1 of Article VIII states:

“A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.”

Section 5 of Article VIII of our Constitution further states:

“All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”

I cite these Constitutional touchstones not as a commentary on the constitutionality of SB 2288 but to merely emphasize that the framers of the ND State Constitution felt strongly that our state should not be in the business of funding private or parochial education.

Members of the Committee, North Dakota United has a long history of opposing voucher proposals that divert monies raised for public education to non-public entities. We also have a history of opposing tax credits that deprive our state of revenue that would otherwise go to providing vital public services, including public education. Unfortunately, SB 2288 is one such proposal.

Vouchers come in many forms, often hiding behind euphemisms such as, “Opportunity Scholarships,” “Tax Credit Scholarships,” “Education Savings Accounts,” “Tuition Tax Credits,” “Education Empowerment Programs,” and, in this case, “Education Scholarship



Great Public Schools

Great Public Service

Tax Credits.” Regardless of the euphemistic titles, they all have the same effect of diverting public funds, intended for public schools and public purposes, to private schools, private entities, or those educating their children at home.

Chairwoman Bell and Members of the Committee, North Dakota’s public schools have the responsibility of educating every student that walks, runs, rolls, or is carried through our schoolhouse doors. To that list we must now add students who, due to the COVID-19 pandemic, are in hybrid or distance learning protocols. This is a responsibility unique to public schools and we embrace it whole heartedly because we agree with the principles enshrined in the North Dakota State Constitution.

Private schools, private tutors, and parochial schools do not share that responsibility. They do not have an obligation to educate every student. They alone determine who will and will not attend their schools or avail themselves of their services. An example of this is that most private schools do not accept students based on ability because the financial costs of educating students with cognitive impairments are quite high. As a result, and with great pride, public schools educate these students.

Furthermore, Mr. Chairman, diverting public funds to private schools undermines the principle of accountability. Dollars that are allocated to North Dakota’s public schools are managed by locally elected school boards which are held responsible for ensuring that the money is spent for the purposes for which they are intended. There is no public accountability for the money once it is diverted to a private school or to private tutors. These entities have nearly complete autonomy regarding how they operate, what they teach, and how they manage funds in their control. Around the country, we have seen many cases of waste, fraud, and abuse in voucher programs specifically because there is an absence of public accountability.

I want to clarify something: ND United has no problem with school choice and never has. We just believe, like the framers of the ND State Constitution believed, that the choice to educate one’s children in a non-public school or with a private tutor, should not be subsidized by the taxpayers of North Dakota. We further believe that North Dakotans should not be given tax credits for donating money to private or parochial schools, as this only serves to disadvantage our great North Dakota public schools.

Finally, Chairwoman Bell, the ND United member poll released three weeks ago revealed something quite interesting. Eighty three percent of teachers surveyed began their careers in education with the intention of retiring as a teacher. That number is now down to just 50%, largely due to stress and burnout. Legislation that weakens the profession or diverts



Great Public Schools

Great Public Service

public resources to non-public schools only adds to the stress teachers feel. Such legislation is bad for teachers, their students, and the communities they serve.

For those reasons, I strongly and respectfully urge a DO NOT PASS recommendation for SB 2288

My testimony is concluded, and I am happy to answer any questions you may have.