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House Education Committee
House Bill 1472 – February 4, 2025
Testimony of Anna Rackley, P&A Legal Team Member

Greetings Chairman and members of the House Education Committee. My name is Anna Rackley and I'm a member of the legal team at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

My primary concern is the bill's exemption of microschools from critical laws and regulations related to elementary and secondary education, including teacher certification and building, fire, and health codes. These exemptions raise concerns regarding the ability of microschools to provide a safe and appropriate learning environment, particularly for students with disabilities who may require specialized services, accommodations, or modifications to access their education fully.

Additionally, the bill does not specify how microschools will comply with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA). Without explicit language requiring microschools to adhere to these federal laws, there is a significant risk that students with disabilities could be denied the free appropriate public education (FAPE) to which they are entitled. Many students require services such as speech therapy, occupational therapy, or assistive technology, and it is unclear how or if microschools would be required to provide these necessary supports.

Furthermore, the bill's provision allowing microschools to operate in various settings—including residential properties—raises concerns about the potential segregation of students with disabilities, which could violate their right to be educated in the least restrictive environment. Additionally, permitting microschools in public spaces such as churches, libraries, and parks raises further concerns regarding accessibility, health, and safety standards, particularly for students with mobility impairments or medical needs.

To ensure that microschools are a viable and equitable option for all students, I respectfully recommend the following amendments:

- Explicitly require microschools to comply with IDEA, ADA, and Section 504 to ensure that students with disabilities receive the services and accommodations they need.
- Establish oversight mechanisms through the North Dakota Department of Public Instruction to monitor compliance with special education requirements and ensure that microschools are providing an equitable education for all students.
- Require that any facility used as a microschool meets basic safety, accessibility, and health standards to protect students and staff.
- Clarify how microschools will be funded, particularly in relation to students with disabilities, to prevent unintended negative financial impacts on traditional public schools that provide essential special education services.

School choice should not come at the expense of vulnerable students. While I support efforts to expand educational opportunities, we must ensure that these opportunities are available to all students, including those with disabilities.

Thank you for your time and consideration.

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