

Milnor Public School District No. 2

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www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

Testimony in Opposition to HB 1590

Presented by: Dr. Chris Larson

Superintendent, Milnor Public Schools

Member, Legislative Focus Group – North Dakota Council of Educational Leaders (NDCEL)

February 5, 2025

Chair Heinert, members of the committee, thank you for the opportunity to testify today. I am Dr. Chris Larson, and I serve as the Superintendent of Milnor Public Schools and as a member of the legislative focus group for the North Dakota Council of Educational Leaders (NDCEL). I am here today in opposition to HB 1590 in its current form.

North Dakota's Constitution is explicit in its commitment to funding a uniform system of public education. Article VIII, Section 5 clearly states:

"No money raised for the support of public schools shall be appropriated or used for the support of any sectarian school."

Additionally, Article X, Section 18 reinforces this principle, stating:

"Neither the state nor any political subdivision thereof shall make any direct or indirect appropriation or payment from any public fund... in aid of any sectarian school, or for any other sectarian purpose."

The Education Savings Account (ESA) concept, as a whole, has the potential to provide meaningful benefits to families across North Dakota. However, the provision in HB 1590 that reimburses private school tuition directly conflicts with our state's constitution. The inclusion of this provision not only undermines the foundational principles of public education but also opens the state to potential legal challenges.

Our public schools serve over 90% of North Dakota's students, regardless of ability, background, or health status. No other entity provides this level of service, ensuring that every child has access to quality education. This is not easy work—it requires dedicated funding and legislative priority. Public education is the backbone of our workforce development and the future of our state.

If the provision of private school tuition reimbursement is removed, the bill becomes a fair and reasonable means of supporting all families without violating our constitution. ESA funds should be distributed equitably, regardless of where a student attends school, ensuring that every family receives the same level of support.

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1 This bill does not treat each student or family equitably:

2
3 *1. A parent may deposit in a child's student education services account up to two thousand dollars per*
4 *child per school year.*

5 *2. The Bank of North Dakota shall deposit funds in the amount of fifty percent of the amount deposited*
6 *by a parent in a child's student education services account.*
7

8 Our students and families in the most need likely don't have funds available to meet the match
9 requirements laid out in this bill. This creates an inequitable system where only families with disposable
10 income can fully benefit, leaving our most vulnerable students behind.
11

12 **The Precedent Problem: Unintended Consequences of Funding Religious Schools**

13 A particularly concerning aspect of HB 1590 is its long-term implications for how public funds could be
14 used to support religious education in North Dakota.

15 1. State Support for Private Schools Must Be Neutral and Equitable

16 o If the state funds private religious schools, it must do so without favoring one faith over another.

17 o HB 1590 sets a precedent—if public dollars can be used for private Christian schools today, they
18 could just as easily be used for schools affiliated with any other religion in the future.

19 2. This Bill Opens the Door to Unintended Consequences

20 o If passed, HB 1590 could require the state to fund private schools of all religious backgrounds,
21 including those that may not align with the values of the legislature or the general public.

22 o Would the legislature be comfortable funding schools affiliated with non-traditional or
23 controversial belief systems?

24 o Once public funds are allocated to private religious institutions, the state cannot discriminate in
25 how those funds are distributed.

26 3. Potential Legal and Constitutional Challenges

27 o Funding only certain religious schools while denying others could lead to legal challenges on the
28 grounds of religious discrimination.

29 o Courts have ruled that if a state provides public funds to religious schools, it cannot exclude any
30 religion without violating First Amendment protections.

31 o This could force the legislature to fund schools it may not intend to support.
32

33 I urge this committee to remove the private school tuition reimbursement provision from HB 1590.

34 Doing so would align the bill with constitutional requirements while still providing meaningful support
35 to North Dakota families.
36

37 Respectfully submitted,
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39

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