

BISHOP RYAN

CATHOLIC SCHOOL

To Chairman Beard and members of the Senate Committee on Education:

I want to begin by saying sincerely that my colleagues and I are proud to help the State of North Dakota to achieve its interest in maintaining an educated populace. For nearly 100 years, the Catholic schools of Minot have helped the State of North Dakota educate its citizens, and in doing so, we help this great state to fulfill its interest in education; and we have done this against great odds, and at tremendous cost.

The problem is that while we capably help the State of North Dakota achieve its interests in education, the State does not reciprocate by investing in children whose educational needs are not best met in a public school system. For too long, the rhetoric around educational funding in the legislature has mistaken the means for the end. The State's constitution makes it clear that the purpose for which the State maintains a "free public school system open to all children" is that government by the people requires an educated populace. The public school system is a means, not the end of the state's interest in regulating education. Nobody argues the importance of our public schools. They are an essential means for the State to use to achieve its educational interests. What is important to note, however, is that the educational needs of some of the citizens of the state go beyond what the public school system provides. Thus, for the wellbeing of all of its citizens, the State should provide meaningful and proportionate financial support to these students because their education also matters to the state.

In the 1925 Supreme Court decision in *Pierce v. Society of Sisters* the court's decision found that the State of Oregon's move to compel all normal children to attend the public school violated the rights of parents. The court wrote: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." While we might not have compulsion in our current state of affairs, we definitely have coercion, financial coercion that disincentivizes parents from enrolling their children in the public school because of the lack equitable financial investment in their children if they are not in the public school system.

Pierce rightly recognized that parents have a right and duty to prepare their children for additional obligations than those to the State. Education is the primary means of

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passing on culture, religion, and custom. For many parents, education is not a neutral and secular endeavor. It is also a religious endeavor that is meant to prepare children to meet their obligations toward God, their church, and even their future spouse and children. Our current funding model for education disadvantages parents that require more from their child's school than what a public school can give.

Since the 1800s, Catholics in this country have been forced to foot their own bill for the education of their children at great personal sacrifice because anti-Catholic sentiment shaped the very nature of educational funding in our country by discriminating against "sectarian" schools. To quote Chief Justice Roberts' opinion of the court in *Espinoza v. Montana*: "It was an open secret that 'sectarian' was code for 'Catholic'. The Blaine Amendment was 'born of bigotry' and arose at a time of pervasive hostility toward the Catholic Church and to Catholics in general; many of its state counterparts have a similarly shameful pedigree."

Thankfully, the odious Blaine Amendment, which has been used by the public school lobby for decades to quash the attempts to bring equity to educational funding has finally been identified as unconstitutional by the U.S. Supreme Court since Blaine Amendments discriminate against the free exercise of religion by parents who have a God-given and constitutional right to direct the education of their children.

I believe that if this legislature remains focused on the fact that the State's interest in K-12 education extends to all of its children, not just those served by the public school system, it will recognize that dollars should follow children wherever they are best served in their education, as long as the education they receive satisfies the basic interests of the State outlined in the constitution.

A clarifying question comes to mind: What is the value of a diploma granted to a graduate of Bishop Ryan in the eyes of the State? Our graduates meet or exceed the requirements of the state of North Dakota for all approved schools. Our graduates satisfy completely the interests of the State in educating its populace. And yet, the investment in our kids is exactly \$0. The actions of the state of North Dakota toward our students tells them what their legislature thinks of them: Even though their diploma accomplishes the same purpose for the state, non-public school students are not worth investing in because they are not attending the "right" school. The time has finally come to put aside the fear-based rhetoric on the part of the public-school lobby, which has shown itself to be concerned primarily in maintaining a monopolistic, non-competitive place in the educational environment.

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Why do you as a legislator care where a student goes to school as long as the education they receive meets the constitutionally outlined educational goals of the State? Why should you pick financial “winners” and “losers” based upon where a parent believes their child will get the education that they need? That is, in fact, what is now happening. The State is picking “winners” and “losers” financially in the area of education and by doing so also putting its hand on the scales in favor of public school systems over parental discretion and student needs.

As the president of a school system that has been educating children in the Minot area for almost a century, I hope the legislature can finally acknowledge in a meaningful way the fact that we serve a vital need for parents in our community, **and** we fully satisfy the state’s interests in education for the children that attend our school. Our diplomas are every bit as valuable to the state as Minot Public’s, West Fargo’s or Washburn’s. It’s time for the state to recognize this by investing in our children too.

Thank you for your time and consideration.

Sincerely,



Fr. Jady Nelson, M. Ed
School President