

*Complaining about a problem  
without proposing a solution  
is called whining.  
-Teddy Roosevelt*



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Testimony regarding HB 1369 - The Education Empowerment Program (EEP)

Chairman Owens and the House Education Committee,

Every child is unique in his or her learning style and one of the most important duties for any parent is to see their child receives the programs, tools and opportunities to realize the education they deserve. Each child learns differently and sometimes a program is needed that goes beyond the traditional classroom in order for the child to progress and keep pace with his or her peers.

Empowering parents to meet the needs of their children has proven itself in normal times, but events of this past year illustrate the need to empower parents even more. Parents, especially those with limited resources, need tools and programs that meet the educational needs of each child in their home. Now is the time for North Dakota to help parents create the educational program that addresses the challenges families face today.

The proposed EEP in this bill is focused on Kindergarten through 5<sup>th</sup> grade.

An EEP will help parents by:

1. providing resources to secure supplemental educational programs and assistance that best meets the needs of their children; and
2. increasing access to basic education.

The Educational Empowerment Program established by this Bill will be administered by the Department of Public Instruction (DPI).

The EEP accounts established with DPI will cover expenses for instructional or therapeutic needs. DPI will pay qualified providers for expenses incurred by program participants.

There are two types of programs under this Bill:

1. The parents of public-school children may apply to DPI for program funds (up to 20% of the per pupil payment) to be used for qualified educational programs. A non-exhaustive list of the types of programs contemplated is on page 4 of the bill.

Examples: training for dyslexia, additional course offerings otherwise unavailable, educational therapies or services, tutors, etc.

2. Parents wanting a child to be enrolled in a non-public school can apply to DPI for funds (the maximum per child is the amount equivalent to 75% of the per pupil payment cost).

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A check payable to the parent will be sent to the qualifying school where the eligible student is enrolled. The parent's endorsement of the check is required. The appropriation amount and number of applicants may determine the amount of participants and payment level.

DPI will handle all transfers of payments for the education programs. This is done through a vendor program already in place at DPI. All programs will be approved by DPI.

This program contemplated in this Bill is constitutional.

The U.S. Supreme Court ruled in 2020 (*Espinoza v Montana Department of Revenue*) that the "Blaine Amendment" provision in Montana's Constitution is unconstitutional under the U.S. Constitution. This case related to a tax credit scholarship policy enacted in 2015. This Supreme Court ruling applies to North Dakota as well and the Blaine Amendment provision to our Constitution no longer prohibits this Bill.

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