



Great Public Schools

Great Public Service

**Testimony on HB 1281
Senate Finance and Taxation Committee
March 9, 2021**

Chairwoman Bell and Members of the Committee, for the record, my name is Nick Archuleta, and I am the president of North Dakota United. On behalf of our 11,500 members across the state, I rise to respectfully oppose and urge a DO NOT PASS recommendation for HB 1281.

Chairwoman Bell and members of the Committee, North Dakotans have long valued the principle of a high-quality public school system. In fact, that principle is embedded 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.”

Madam Chairwoman, I include these references to the North Dakota Constitution not to imply all voucher programs are unconstitutional. We all know that *Espinoza v Montana* has changed the landscape for some of them and I am not a lawyer. Rather, I include them in my testimony only to illustrate North Dakota’s long and principled intention that monies raised for public education and the provision of public services not be allocated to private, parochial, or home schools, or to the parents who choose to those schools for their children.

North Dakota United has a long history of opposing voucher enabling legislation. Unfortunately, HB 1281 is one such proposal. Vouchers come in many forms, often hiding behind euphemisms such as, “Opportunity Scholarships,” “Tax Credit Scholarships,” “Education Savings Accounts,” “Education Empowerment Programs,” and “Tuition Tax Credits.” All of them, however, have the same effect of diverting public funds intended for public schools and services to private schools or those educating their children at home.



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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 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. Often, 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, Madam Chairwoman, diverting public funds to private or homeschools 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 parents or guardians of homeschool students. Private schools and homeschools 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.

Finally, members of the Committee, I want to clarify two points:

1. There is no evidence that vouchers improve student achievement. Texas and Connecticut, two states without vouchers, saw student achievement growth because they invested in teacher quality and providing extra help for students who need it.
2. Vouchers do not reduce the cost of public education. In fact, they increase the cost because they require taxpayers to fund two education systems: one private and one public. Public schools, which educate the vast majority of North Dakota's students, will simply receive less funding. That means fewer resources for course offerings, as well as music, art, and athletic programs.

I want you to know, too, that ND United has no problem with school choice and never has. We just believe, like the framers of the ND State Constitution, that school choice should not be subsidized by the taxpayers of North Dakota.

For these reasons, Chairwoman Bell, and Members of the Committee, I strongly and respectfully urge a DO NOT PASS recommendation for HB 1281.

Thank you for hearing me today. I am happy to answer any questions.