



Protection & Advocacy Project

400 E. Broadway, Suite 409
Bismarck, ND 58501
701-328-2950
1-800-472-2670
TTY: 711
www.ndpanda.org



House Education Committee
House Bill 1358 – January 28, 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.

I am writing to express concerns about House Bill 1358, which would authorize the creation of public charter schools in North Dakota. I believe this bill requires further consideration to ensure it addresses the needs of all students, especially those with disabilities.

My primary concern is how the Individuals with Disabilities Education Act (IDEA) will be implemented in charter schools. IDEA guarantees a free appropriate public education (FAPE) and specialized services for students with disabilities, but I worry about charter schools' compliance with IDEA, and ability to provide necessary services, such as speech and occupational therapy, and to maintain the Least Restrictive Environment (LRE) for students with disabilities.

Additionally, I am concerned about the financial impact on traditional public schools. If students transfer to charter schools, funding may follow them, leaving fewer resources for the remaining students in our public schools. Admissions processes for charter schools must be explicitly non-discriminatory toward students with disabilities. Families must also have access to clear, accessible information about programs for children with disabilities to make informed decisions.

The bill should also ensure compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, which guarantee equal access and reasonable accommodations for students with disabilities, including those who do not qualify for services under IDEA.

I recommend the following revisions to House Bill 1358:

- Explicitly require compliance with IDEA, ADA, and Section 504.
- Ensure oversight by the Department of Public Instruction to monitor IDEA compliance.
- Address funding concerns to prevent negative impacts on traditional public schools.

School choice should not come at the expense of vulnerable students. Please ensure the bill protects the right of students with disabilities to a free appropriate public education.

Thank you for your time and consideration.

Anna Rackley
Legal Team Member
arackley@nd.gov