



1 **Testimony in Opposition to HB 1358 – Public Charters**

2 I appreciate the opportunity to present my concerns regarding House Bill 1358, which proposes
3 the authorization of public charter schools in North Dakota. While the intention to enhance
4 educational opportunities is commendable, I believe that introducing charter schools may not be
5 the most suitable path for our state. My reservations are rooted in the potential negative impacts
6 on our existing public education system and the unique characteristics of our communities.

7 **1. Financial Implications for Public Schools**

8 Charter schools, though publicly funded, often divert essential resources from traditional public
9 schools. In North Dakota, where many school districts already operate under tight budgets, this
10 reallocation could exacerbate financial strains. Public schools have fixed costs—such as facility
11 maintenance and staffing—that do not decrease proportionally with declining student enrollment.
12 The introduction of charter schools could lead to reduced funding for these essential services,
13 thereby diminishing the quality of education for the majority of our students. This bill
14 specifically limits the charters to those who serve our special need students. I can’t help but to
15 ask the question – if the state is unable to fund public schools about 35% with these populations,
16 how can it afford to stand up multiple charter schools for this purpose, and where will they find
17 the staff in an area that is already lacking in staff? Furthermore

18 **2. Challenges in Accountability and Oversight**

19 Ensuring consistent accountability in charter schools has proven challenging in various states.
20 Instances of financial mismanagement and academic underperformance have been documented,
21 leading to school closures that disrupt students' education. Establishing a robust oversight
22 mechanism is crucial, yet it often requires resources and expertise that may be limited,
23 particularly in rural areas.

24 **3. Potential for Increased Segregation**

25 Research indicates that charter schools can inadvertently contribute to racial and socioeconomic
26 segregation. By attracting specific student populations, they remove those students from the
27 general population of public school students – is that in the student’s best interest? While it is
28 interesting in theory the concept of a school only for those with learning disabilities, operating a
29 school exclusively for students with learning disabilities could raise concerns under federal non-
30 discrimination statutes, as it may be viewed as discriminatory against students without
31 disabilities. The U.S. Department of Education emphasizes that charter schools must adhere to
32 all federal laws applicable to public schools, including non-discrimination mandates.



1 **4. Impact on Rural Communities**

2 North Dakota's rural communities rely heavily on their public schools, which often serve as
3 central hubs for community activities and identity. The establishment of charter schools could
4 undermine these institutions by drawing away students and resources, potentially leading to rural
5 school fiscal detriment. This would not only affect educational outcomes but also erode the
6 social fabric that binds our rural communities together.

7 **5. Fiscal Impact to the State Underscored.**

8 The fiscal note on the bill shows that the avg. student in ND is weighted at 1.2, so they get 120% of the
9 state payment. Mr. Tescher has indicated the state would realize a 20% savings on average if the student
10 had previously attended a public school.

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12 However, we need to dig into a potential actual cost to the state. The large school districts receive a
13 weighted factor of 1.0. However, the state does not send the full \$11,072 to districts, it is reduced by to
14 subtract the dollars raised by the 60-mill local levy. - - - Since most of the large schools only receive
15 \$7,000-\$8,000 per pupil after being adjusted for the local 60-mill levy, wouldn't it be fair to say that it is
16 likely to carry a state fiscal note if there is no taxable authority to cover the local share?

17 **6. Questionable Academic Outcomes**

18 Evidence on the academic performance of charter schools compared to traditional public schools
19 is mixed. Some studies suggest that charter schools do not consistently outperform public
20 schools and, in some cases, may underperform. Given this uncertainty, it is risky to divert public
21 funds to an alternative that does not guarantee superior educational outcomes.

22 In conclusion, while the pursuit of educational innovation is important, the introduction of
23 charter schools in North Dakota, as proposed in House Bill 1358, presents significant risks to our
24 public education system and communities. We've made such strong moves toward innovation in
25 the past 2-3 legislative sessions, and I fear that the turn on our heels this session toward charter
26 and vouchers and school choice will send us decades back in growth for the overwhelming
27 majority of our students. I urge the Legislative Assembly to consider these concerns carefully
28 and to explore alternative methods of improving education that strengthen, rather than potentially
29 weaken, our existing public schools.