

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369

Milnor, North Dakota 58060-0369

Phone: 701-427-5237 | Fax: 701-427-5304

www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

1 Testimony in Opposition to HB 1540

2 Presented by: Dr. Larson

3 Superintendent, Milnor Public School

4 Member, Legislative Focus Group – North Dakota Council of Educational Leaders (NDCEL)

5 **Chair Heinert, members of the committee**, my name is Dr. Chris Larson, and I serve as the
6 Superintendent of Milnor Public School. I am also a member of the Legislative Focus Group for the
7 North Dakota Council of Educational Leaders (NDCEL). I appreciate the opportunity to testify in
8 **opposition** to HB 1540.

9 Constitutional Violations

10 The North Dakota Constitution is clear:

- 11 • **Article VIII, Section 5:** *“No money raised for the support of public schools shall be*
12 *appropriated or used for the support of any sectarian school.”*
- 13 • **Article X, Section 18:** *“Neither the state nor any political subdivision thereof shall make any*
14 *direct or indirect appropriation or payment from any public fund ... in aid of any sectarian*
15 *school, or for any other sectarian purpose.”*

16 By allowing public funds to be used for private school tuition, HB 1540 violates these constitutional
17 provisions. While families should have educational choices, **taxpayer dollars should not be used to**
18 **subsidize private or religious institutions**. This bill opens the state to potential **legal challenges**,
19 creating **financial and operational instability** for North Dakota’s education system.

20 Public Schools Serve All Students—Funding Must Reflect This Priority

21 North Dakota’s **public schools educate over 90% of the state’s students**, providing essential services
22 such as:

- 23 • **Special education** for students with disabilities
- 24 • **Student transportation** to ensure equitable access
- 25 • **Mental health support and school counseling**
- 26 • **Career and technical education (CTE) programs** that build our workforce

27 Private schools and homeschool programs are **not required to serve all students**, yet this bill directs
28 public dollars toward these alternatives **without requiring the same level of accountability**.

29 Public schools have **fixed costs** that do not disappear when students leave for private institutions.
30 Reducing their funding while still expecting them to serve the most vulnerable students **jeopardizes the**
31 **stability and quality of public education**.

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1 Public Funds Require Public Accountability

2 HB 1540 raises serious concerns about accountability and state oversight of taxpayer dollars.

3 1. Public Schools Are State-Regulated; Private Schools Are Not

- 4 ○ North Dakota's public schools must meet state curriculum standards, participate in
- 5 standardized testing, provide special education services, and undergo financial
- 6 audits.
- 7 ○ Private schools do not have to follow these same requirements, yet HB 1540 allocates
- 8 taxpayer dollars to them without enforcing the same level of transparency.
- 9 ○ If private schools accept public money, they should be subject to the same public
- 10 accountability measures.

11 2. The State Should Not Fund What It Cannot Oversee

- 12 ○ If the state provides funding to private institutions, it must ensure those schools meet the
- 13 same standards for financial accountability, curriculum oversight, and student
- 14 performance.
- 15 ○ HB 1540 lacks any provisions for state oversight of private institutions receiving
- 16 public funds, which means tax dollars could be spent without any guarantee of quality
- 17 education or fiscal responsibility.

18 3. This Bill Creates a Double Standard

- 19 ○ Public schools are held to strict financial and academic accountability measures
- 20 because they serve all students.
- 21 ○ HB 1540 creates an inequitable system where private schools receive public money
- 22 without being required to meet the same standards.
- 23 ○ If private schools are allowed to operate without state control, they should not receive
- 24 state funding.

25 The Precedent Problem: Unintended Consequences of Funding Religious Schools

26 A particularly concerning aspect of HB 1540 is its long-term implications for how public funds could
27 be used to support religious education in North Dakota.

28 1. State Support for Private Schools Must Be Neutral and Equitable

- 29 ○ If the state funds private religious schools, it must do so without favoring one faith over
- 30 another.
- 31 ○ HB 1540 sets a precedent—if public dollars can be used for private Christian schools
- 32 today, they could just as easily be used for schools affiliated with any other religion in
- 33 the future.

34 2. This Bill Opens the Door to Unintended Consequences

- 35 ○ If passed, HB 1540 could require the state to fund private schools of all religious
- 36 backgrounds, including those that may not align with the values of the legislature or
- 37 the general public.

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1 ○ **Would the legislature be comfortable funding schools affiliated with non-traditional**
2 **or controversial belief systems?**

3 ○ Once public funds are allocated to **private** religious institutions, the **state cannot**
4 **discriminate** in how those funds are distributed.

5 3. **Potential Legal and Constitutional Challenges**

6 ○ Funding **only** certain religious schools while denying others could lead to **legal**
7 **challenges on the grounds of religious discrimination.**

8 ○ Courts have ruled that **if a state provides public funds to religious schools, it cannot**
9 **exclude any religion without violating First Amendment protections.**

10 ○ This could **force** the legislature to fund schools it may not intend to support.

11 **Conclusion: Public Dollars Belong in Public Schools**

12 Public education is the **foundation of North Dakota’s workforce and economy**. The students in our
13 public schools today will be the teachers, nurses, engineers, and business leaders of tomorrow.

14 Rather than diverting public funds toward private schools, the state should:

- 15 • **Fully fund public schools** to ensure all students have access to a high-quality education.
- 16 • **Expand career and technical education (CTE) programs** to prepare students for high-demand
17 jobs.
- 18 • **Increase mental health services** to support student well-being.

19 If the state **cannot regulate, audit, or mandate accountability in private education, then it should**
20 **not be funding it.**

21 Furthermore, HB 1540 **sets a dangerous precedent** that could lead to **unintended consequences**
22 **regarding which private institutions receive public funding**. This bill, if enacted, could force the state
23 to provide funding for schools it may not have intended to support—raising significant legal and
24 constitutional concerns.

25 For these reasons, I strongly urge this committee to **reject HB 1540 in its current form** or **remove the**
26 **private school tuition reimbursement provision** to align it with the North Dakota Constitution.

27 Respectfully submitted,

28
29 Dr. Chris Larson

30 Superintendent

31 Milnor Public School