



SB 2241
House Education
Tuesday, March 11, 2025
Representative Pat Heinert, Chair

Chairman Heinert and Members of the House Education Committee:

My name is Roxane Romanick and I'm in front of you today as a representative for Designer Genes of ND, Inc. Designer Genes' membership represents individuals with Down syndrome that either live in our state or are represented by family members in North Dakota. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

We project, that outside of North Dakota students with Down syndrome being homeschooled or attending a non-public school, all other children, youth, and young adults with Down syndrome are covered by the guarantees of the Individuals with Disabilities Education Act (IDEA) and are served under Individual Education Plans and afforded special education services. The provisions of a free and appropriate education (FAPE) and learning in a least restrictive environment (LRE) with specially designed approaches to learning and targeted adaptations mean that our students have learning opportunities available to them that older individuals with Down syndrome went without. As an organization, who is sharply focused on students with Down syndrome, we are in a position of evaluating new initiatives with a lens of protection for students with special education needs and their families.

As the bill is written, we are in opposition of SB 2241. We appreciate the desire for additional school choice options in North Dakota, but we do not feel that the bill has enough protections for students who are identified or who will be identified as a student with protections under relevant federal laws such as IDEA, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and Every Student Succeeds Act. I will outline some of those concerns below:

- There is no language about how public charter schools will identify children with disabilities through the federal Child Find requirements under IDEA. Will they depend on the resources of the local public school district where they are located? Will they be required to have some type of agreement with the school?

- The bill is void of how IDEA services or 504 accommodations will be delivered and paid for by the public charter school.
- The bill on Page 3, lines 7 – 10, addresses the importance of reporting student data from state assessments, but does not address how the public charter school will address state assessments for students with significant disabilities and nor mention of an assurance that they abide by the requirement that only the students with the most significant disabilities take an alternate assessment. Every Student Succeeds Act (ESSA) requires a state education agency to cap this number at 1% of the total population.
- There is no requirement listed in the bill for the public charter school to gather and report the additional federal reporting data for IDEA that public schools all have to provide. Also, there is no provision for assuring that the IDEA performance information would be shared publicly. A concern is that the “n” on this data would be small making it difficult for this information to be reported publicly and then little data would be available to reveal how students with disabilities are faring in the public charter school
- The language on Page 4, lines 4 – 6, helps to prevent discrimination in access for students with disabilities but adherence to Section 504 of the Rehabilitation Act would require that a parent not be “counseled out” of attendance or even being required to provide information on a students’ disability prior to admittance, unless the public charter is specifically designed for students with disabilities.¹
- Section 504 of the Rehabilitation Act and the Americans with Disabilities Act also require the venue for the public charter school be accessible for students with disabilities. This bill does not have any provisions for oversight of this critically important element.
- We are also concerned about the language on Page 11, lines 23 – 24 that states” related to funding of special education services within the limits of legislative appropriations”. The requirements under IDEA are clear that a local education agency, which would include a public charter school, needs to provide the services required on a student’s IEP and that available funds is not an excuse.
- The bill language does not address the requirement for a public charter school to join a special education unit as required in Chapter 15.1-33 which assuming if they have the same requirement, they would need to do.

¹ [Know Your Rights: Students with Disabilities in Charter Schools](#)

- IDEA requires IEP teams to consider least restrictive environments for students with disabilities. In general, we are against schools that cater only to a segregated disability population because inclusion and integration of students with disabilities into a general education curriculum with general education students is critical to their outcomes. At this point, the legislation does not address this issue.

We are also concerned that there is no additional full-time positions for the Department of Public Instruction to administer a charter school system, that will include developing administrative code, issuing approvals, managing agreements, and ongoing monitoring. Given that a public charter school needs to meet the federal requirements of IDEA, energy would need to be expended by the Department to monitor the performance under the IDEA federal reporting requirements of additional schools.

Thank you for your time and I'd take any questions.

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