

1 **Testimony in Opposition to SB 2400 – Education Savings Account Program**

2 *Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools*

3 Good morning, Chairman Heinert and members of the committee.

4 First, I want to thank Senator Axtman, the key sponsor of this bill, as well as the
5 other sponsors, for their ongoing commitment to improving education in North
6 Dakota. Over the past several legislative sessions, I, along with other educational
7 leaders, have voiced a concern that public schools—especially large districts like
8 Bismarck Public Schools, which serves nearly 13,900 students—are not equipped
9 to be the sole solution for every one of a child's educational needs. The diversity
10 of needs across our student body is vast, and while we strive to support every
11 child, it is unrealistic to expect any single institution to address all of vast
12 academic, emotional, and behavioral needs in a manner that is both efficient and
13 effective.

14 We have seen this firsthand in our efforts to address complex issues such as
15 mental health, behavior, and personalized learning. Legislation aimed at providing
16 broader access to services for academic support, implementation of improved
17 therapeutic services, or specialized programs for arts or health services is well-
18 intentioned, but in practice, it is often challenging to implement these solutions at
19 scale within a public school system.

20 As a parent of two children, I understand firsthand how difficult it can be to
21 identify and address the full spectrum of a child's needs. I was able to recognize
22 my children's unique educational, emotional, and physical needs more clearly
23 than their teachers simply because I was with them every day. This life experience

1 has reinforced my belief that no single institution—public or private—can be
2 expected to meet every child's every need. That's why I support efforts to
3 empower families to make decisions that best support their children, whether
4 that's through educational materials, tutoring, therapy, or college preparation
5 programs.

6 However, despite my support for providing families with more educational
7 options, I must oppose SB 2400 as it is currently written, using these funds to
8 offset nonpublic school tuition or fees.

9 I believe it is unwise and potentially unconstitutional to use publicly collected tax
10 dollars to fund non-public schools directly, without sufficient accountability
11 measures in place. Public schools receive public funds and willingly provide audit
12 reports to the state and make their board meetings open to the public. These are
13 basic transparency measures that all entities receiving public dollars are required
14 to uphold, and I believe it is crucial that any recipient of public funds be held to
15 similar standards of oversight and accountability.

16 Furthermore, there is no language in the bill that ensures non-public schools
17 cannot reject students based on factors such as academic performance, special
18 education needs, or other criteria that would not be permissible in public schools.

19 In conclusion, while I wholeheartedly support empowering families to make the
20 best educational choices for their children, I believe we must be cautious in how
21 public resources are distributed. We must ensure that public funds are used in a
22 way that promotes accountability, transparency, and equitable access for all
23 students.

- 1 Thank you for your time and consideration. I would be happy to answer any
- 2 questions.