

Testimony of Representative Finley-DeVille

In opposition of Senate Bill 2400 – House Education Committee

Chairman Heinert and members of the House Education Committee, my name is Representative Lisa Finley-DeVille. I represent District 4A, which includes, Mandan, Hidatsa, and Arikara Nation. I'm testifying in opposition to Senate Bill 2400, which seeks to establish an Education Savings Account (ESA) program in North Dakota. While I recognize the intent to provide families with additional educational options, I believe this bill is fundamentally flawed and will have several negative consequences for students, schools, and communities across our state.

Senate Bill 2400 is redundant when compared to House Bill 1540. Both bills seek to achieve similar objectives by providing financial support for educational options outside of public schools, and passing both would create unnecessary confusion for families, educators, and administrators.

Another critical issue with Senate Bill 2400 is the failure to consult North Dakota's tribal communities before proposing such a significant shift in education policy. Native American students, schools, and families must be consulted to ensure their educational needs and cultural considerations are respected. The bill does not sufficiently address how it will impact tribal schools or the educational sovereignty of Native American nations. Tribes have a unique set of federal and state obligations regarding their education systems, and these should not be overlooked. The failure to consult with tribes may not only violate the principles of trust and respect, but it could also inadvertently harm the educational programs currently serving Native American students. It is essential that tribal input be integrated into the development of any new education policies that could affect their communities.

SB 2400 redirects public education funds to private and nonpublic institutions, which would disproportionately harm tribal schools that rely on state and federal funding to provide critical educational services. Tribal schools already face systemic challenges, such as limited resources, teacher shortages, and the need for culturally relevant curriculum. By diverting funds away from public schools, this bill would magnify these issues and undermine the ability of tribal schools to serve their students effectively.

The bill's lack of accountability measures for nonpublic schools raises concerns about educational equity. Unlike public schools, which must adhere to state standards and transparency requirements, private institutions benefiting from ESAs would not be held to the same standards. This creates an uneven playing field, where public schools, especially those serving Indigenous communities are left struggling with fewer resources while private entities operate with little oversight.

Another major concern is the potential violation of tribal sovereignty. Many tribal nations have worked diligently to establish and maintain their own educational systems that align with cultural values and community priorities. The ESA program could encourage enrollment in nonpublic institutions that do not prioritize Native history, language, or traditions, thereby eroding efforts to sustain Indigenous education and identity.

Tribal schools across North Dakota are in opposition to SB 2400. This legislation threatens to undermine the sovereignty of tribal education systems and disregards the unique needs of Native students. Our schools are committed to providing culturally relevant education and opportunities for success, and this bill poses a direct challenge to that mission.

SB 2400 does not address the broader needs of students in rural and reservation communities. Transportation barriers, limited access to nonpublic schools, and economic disparities would mean that the ESA program primarily benefits families in urban areas while leaving tribal students with fewer educational opportunities. Rather than strengthening our public education system, this bill threatens to widen existing gaps in educational access and achievement.

Instead of diverting funding away from public schools, I urge the Legislature to invest in improving our existing education system, particularly in underserved areas like tribal communities. Expanding funding for teacher recruitment, technology, infrastructure, and culturally responsive curricula would be a far more effective way to ensure all students, regardless of background, receive a quality education.

For these reasons, I strongly urge you to oppose SB 2400 and prioritize policies that support rather than undermine tribal schools and the students they serve. Thank you for your time and consideration.