



SB 2400
House Education
Tuesday, March 18, 2025
Representative Pat Heinert, Chair

Chairman Heinert and Members of the House Education Committee:

My name is Roxane Romanick and I serve as a representative for Designer Genes of ND, Inc., Designer Genes represents individuals with Down syndrome and their families across the state. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

Down syndrome or Trisomy 21 is highly correlated with learning challenges and need to educational supports to learn and grow. The students that Designer Genes represent clearly and simply need strong public schools. They need public schools with robust general education structures and solid special education supports. They need schools with friends who have disabilities like them and friends who do not, both who can be important teaching models and who they can have fun with. It is because of this, that we are in opposition to SB 2400. It would be our hope that your consideration would be to build up the very schools that the state and local government is responsible for with any extra money that you have.

There are not a lot of students with Down syndrome in North Dakota schools, but nearly all of them are in public schools because that is where they will receive the needed supports to learn. Families, like mine, have had to trade out one set of school colors for another, when their child with Down syndrome goes to public school and their own children are in non-public schools. It's just the way it is. My son attended a non-public school and my daughter with Down syndrome basically grew up in that circle, but when it was time to go to school for her, no invitation came from my son's school. When I asked, there was an offer for her to attend with a "Behold the Ultimate Truth – BUT". The but was that they'd love to have her, but they couldn't educate her. I believed in her ability to learn, so I had no choice. The population of people that I represent will not benefit from this bill and in fact, this bill and the funding attached will distract the state from the important work of making North Dakota's public schools the best they can be.

SB 2400 has \$3,000,000 for administration but does not mention any new FTE's for the Department. If you're going to pass this bill, then I'd encourage you to consider the workload of setting up and administering

this program, because if not, then we can already predict that this bill will distract the state from doing its important work of holding up public education in North Dakota. These are considerations that we don't always think about. The same is true for SB 2241, the charter school bill. If the state is having to set up and administer both bills without any new FTE's, they have no choice but to look away from the work they do to support public schools to these new initiatives.

This bill has \$500 in it for families that I represent who have students with Down syndrome in public schools, so I expect getting asked about the benefit. Yes, having \$500 at your disposal is never a bad thing but beyond school meals and perhaps camp fees, the cost of the other qualifying expenses will far exceed \$500 and perhaps add confusion to how some of the services should be paid for in the first place. "Educational therapies, education materials and services, paraprofessionals, mental health assistance" should be services included in a child's Individual Education Plan if needed. I anticipate that I'll hear from a family who will say that they are having to use their ESA to get a related service that in reality should be covered under their child's IEP.

If this bill is going to pass, I am also concerned that this bill does not include language relating to "parental advisement" if a parent chooses to leave the public school and uses the ESA to attend a non-public school option. HB 1540 contains language that requires the Department to advise parents of children on IEP's that they are making a parental placement and therefore waiving their rights to the protections under the Individuals with Disabilities Education Act (IDEA). The language appears on Page 2, lines 26 – 30 and reads "If the participating student is a child with a disability, to acknowledge the parent has received information from the department and understands participation in the education savings account program qualifies as a **parental placement** of the parent's child under the Individuals with Disabilities Education Act [Pub. L. 108 - 446; 20 U.S.C. 1412(a)(10)(A)]". I would like to see similar language added under the Superintendent of public instruction – Administrator – Duties section on Pages 2 and 3 of this bill.

We fully understand that we represent a very small percentage of the student population, but we do believe that we represent students who have some of the most significant needs in North Dakota and who serve as a reminder about all students with special education needs. Our students learn from educational systems that have solid general education structures and robust special education features such as is possible in our public schools. We do not believe that SB 2400 adds value to those needs and we ask you consider a Do Not Pass.

Thank you for your time and I would answer any questions.

Roxane Romanick
Designer Genes of ND, Inc.
info@designergenesnd.com

701-391-7421