

Senate Education Committee & Senators:

Re: 1540 (educational savings accounts for parents of ND children being educated at an "accredited" non-public format), please consider the following:

**A simplified logic for school choice funding - bringing FAIRNESS to ALL ND parents & their children being educated at approved & accredited schools:**

1. The ND Constitution requires that our state **provide for and fund** an education for "ALL" ND children.
2. To meet this constitutional mandate, our state has set up an educational system that includes BOTH public schools AND a variety of ACCREDITED "non-public" education formats.
3. Therefore, all education formats that MEET THE REQUIREMENTS for "accreditation" should be properly funded by the state, either to the parents or to the accredited schools. Note: In cases where a non-public education format limits enrollment, the funding formula or other method could be adjusted to reflect this. For example, if a particular non-public education format does not enroll special needs students, and if it is determined that the cost of educating special needs students state-wide is (for example, perhaps 10%), then that education format's formula for either funding to the parents or to the "accredited" non-public school itself could be adjusted to receive only 90% funding, etc. A relatively easy and fair solution.
4. Whether an accredited non-public education format also includes religious content should not matter so long as they have met the requirements to be "accredited" to provide the education required by the state. Note: While the Establishment Clause of the First Amendment prevents the government from establishing any ONE religion; school choice funding that is made equally available to parents of and/or to accredited non-public schools of any, or no religious affiliation, would therefore not be in violation of this clause. For this reason, the same applies to the sometimes misunderstood and misapplied concept of "separation of church and state".

Furthermore, as we know, a U.S. Supreme Court decision (Espinoza v. Montana Department of Revenue) has ruled the Blaine Amendment unconstitutional. Therefore, funds which were formerly (and unconstitutionally) restricted for public schools only, are no longer - and are thus now legally available to help educate ALL ND children being sent to any "accredited" school format. Also, there should be no concern about the "sectarian" clause for "public schools" in our ND Constitution, as this bill does nothing to change this. Public schools remain "free from sectarian control".

Finally, ND children are ND children - and they all need to be educated. There is no need to view this subject in a way that unnecessarily pits public against accredited non-public schools. Both formats have been established by our State to educate our children. Public schools will continue to be funded.

With this I encourage a YES vote for this and any bill that provides for a FAIR treatment of ALL ND parents, and their children who are being educated by our state at all approved schools, including at "accredited non-public schools". Thank you for your consideration.

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