



Great Public Schools

Great Public Service

Testimony Before the Senate Education Committee
HB 1540
March 17, 2025

Good afternoon, Chairman Beard, and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. North Dakota United is a union of 11,000 professionals, including K-12 teachers, dedicated to public service. On behalf of our members, I rise today in opposition to HB 1540 and urge a ***do not pass*** recommendation for this bill.

Chairman Beard, North Dakotans have long valued the principle of a high-quality public school system. In fact, our founders so valued that principle that they embedded it in our state Constitution. Section 1 of Article VIII states:

“A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.”

Section 5 of Article VIII of our Constitution further states:

“All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”

I cite these Constitutional touchstones not as commentary on the constitutionality of HB 1540, though the issue has not been argued before a North Dakota court, nor has the

Legislature passed a Constitutional measure to put the issue before the citizens of ND. Rather, I do so to merely emphasize that the framers of the North Dakota state Constitution felt strongly that our state should not be in the business of funding private or parochial education.

Members of the Committee, North Dakota United has a long history of opposing proposals that divert money raised for public education and other public purposes to non-public educational entities. Unfortunately, HB 1540 is yet another such proposal.

Vouchers come in many forms, often hiding behind euphemisms such as, "Opportunity Scholarships," "Tax Credit Scholarships," "Education Reimbursement Programs," "Tuition Tax Credits," "Education Empowerment Programs," and, in this case, "Education Savings Accounts." Regardless of the euphemistic titles, they all have the same effect of diverting public funds, intended for public schools and other public purposes, to private schools, private entities, or those educating their children at home.

Chairman Beard and members of the Committee, North Dakota's public schools have the responsibility of educating every student that walks, runs, rolls, or is carried through our schoolhouse doors. This is a responsibility unique to public schools and we embrace it wholeheartedly because we agree with the principles enshrined in the North Dakota State Constitution.

Private schools and parochial schools do not share that responsibility. They do not have an obligation to educate every student. They alone determine who will and will not attend their schools or avail themselves of their services. They can discriminate against any student for any reason. An example of this is that most private schools do not accept students based on ability because the financial costs of educating students with cognitive and physical impairments can be quite high. As a result, and with immense pride, public schools almost exclusively educate these students, and we are honored to do so.

Additionally, Mr. Chairman, HB 1540 does not provide equal opportunity to all North Dakotans. Should HB 1540 become law, it would primarily apply only to those families in large cities where private and parochial schools exist. Taxpayers and their families in rural

North Dakota, and those in our smaller communities, would receive no practical benefit from the passage of this bill.

I want to clarify something if I may, Mr. Chairman. NDU has always maintained the belief that parents should absolutely choose where they want to send their kids to be educated. But we also believe, just like the framers of the North Dakota state Constitution believed, that the choice to educate one's children in a private or parochial school, should not be subsidized by the taxpayers of North Dakota.

Finally, I want to leave you with these points to consider:

- **Vouchers like this ESA mostly fund children already in private school.** Despite supporter rhetoric that voucher schemes are about new opportunities, the reality is 70-80 percent of kids in states like Arizona, Wisconsin, and Indiana, were already in private school before taxpayers picked up the tab. In New Hampshire, nine out of ten were already-private school kids.
- **This is the proverbial “camel’s nose under the tent.”** In Arizona, what started as a small voucher program has grown to consume one fifth of the Arizona school budget. <https://www.propublica.org/article/arizona-school-vouchers-budget-meltdown>. <https://azmirror.com/2024/06/06/it-costs-arizona-332m-to-pay-for-vouchers-subsidizing-private-school-tuition-homeschooling/>
- **There is limited accountability called for in HB 1540.** In contrast, North Dakota's public schools, governed by locally elected school boards, must account for every dime they receive from the taxpayers of North Dakota.
- **Private and parochial schools routinely discriminate against students they do not want to educate.** Should HB 1540 become law, private and parochial schools will use public money to choose only the students they want to educate and turn away students they do not want to attend their schools.
- **The vast majority of North Dakota's small and medium sized communities will get no benefit from HB 1540.** What they will see is their tax dollars going to our larger communities to educate children, the vast majority of whom are already enrolled in private and parochial schools.

For these reasons, Chairman Beard, and members of the Committee, I strongly and respectfully urge a ***do not pass*** recommendation for HB 1540. With that, I will conclude my testimony and stand for questions you may have.

