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Senate Education Committee

Senate Bill 1540 - March 17, 2025

Testimony of Brenda Ruehl, P&A Director of Program Services

Greetings Chairman Beard and members of the Education Committee. My name is Brenda Ruehl and I'm a Director of Program Services at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A strongly opposes Senate Bill 1540 for the following reasons.

The intent of the Education Savings Account bill will weaken North Dakota's education system. Parents already have choice in education through open enrollment, home schooling, non-tuition agreements and private schools including faith-based schools.

This bill allows for an "Education Service Provider" individual or organization to operate an education business that is not required to follow the laws that a public school must follow. It does not meet the minimum requirements for instruction, units of instruction, or minimum units for high school graduation. It also does not require the Administrator to adhere to multiple other requirements in the NDCC including but not limited to, financial accountability; free, open, and accessible at all times to any child; interventions for chronically low performing school districts; and length of a minimum number of hours of education.

Under the Individuals with Disabilities Education Act [Pub. L. 108 - 446; 20 U.S.C. 1412(a)(10)(A)], education savings account program qualifies as a parental placement of the parent's child with a disability, there is no language in the bill protecting a child with a disability, who is entitled to a Free Appropriate Public Education. This bill is absent of the requirements for an IEP, related services, modified curriculums including special education transportation. There is not any language regarding compliance with Section 504 of the Rehabilitation, which also protects students with disabilities. Private schools make the choice of whether to serve students with disabilities or not.

This bill broadens what services can be paid for with the Education Savings Account, which public schools are not allowed to pay for or are free. Such services included in this bill are textbooks and private tutoring. It removes governmental control, authority, and accountability yet it takes educational funding from the public schools to subsidize private schools and education service providers.

P&A strongly opposes this bill as it weakens North Dakota's public education system by taking funds from public schools and giving those dollars to an entity that does not have to follow the rules, regulations, or laws set forth in the NDDC regarding the education of children. If this bill passes, at the very least, private schools and education service providers should be required to follow the same rules, regulations, and requirements that public schools do. This would include the education of students with disabilities as set forth under IDEA (Individuals with Disabilities Education Act), Section 504 of the Rehabilitation Act, and the ADA (Americans with Disabilities Act).

P&A respectfully request a Do Not Pass on this bill as it undermines the education of children in North Dakota

Thank you for your time and consideration.

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