

TESTIMONY IN SUPPORT OF SB 2241

by Sen. Michelle Axtman

Senate Education Committee

Todd Beard, Chair

Monday, February 3, 2025

Mr. Chairman and members of the Senate Education Committee-

For the record, I am Senator Michelle Axtman, representing District 7. I am here to present Senate Bill 2241, which establishes a framework for the creation, governance, and oversight of public charter schools in North Dakota.

What is a public charter school? Simply said, charter schools **are public schools**. There is no cost to attend, and they are open to all students. What makes charter schools different is they operate under a performance agreement that outlines their academic, operational and fiscal goals. They will have slightly increased flexibility in exchange for a higher level of accountability. Public charter schools will help expand educational opportunities and innovation. More importantly, they will allow parents to choose the best public school for their children.

North Dakota's public education system has long served our students well. However, I also recognize that not every child thrives in the same traditional school setting. Families across our state have voiced the need for more options—particularly for students who have had challenges in traditional school settings, students who are interested in certain career paths, or students who may thrive with a more tailored set of educational opportunities.

Across the country, public charter schools currently serve more than 3.8 million students in 8,100 public charter schools. Rural charter schools make up 11% of charter schools and serve 10% of charter school students. Public charter schools have been around for more than 35 years, and North Dakota is one of only four states which do not currently allow for their creation. The time is now for us to enact a **highly accountable** charter

school law that will bring more innovation to our public schools and help meet the values and unique needs of our communities and students.

SB 2241 creates the framework for North Dakota public charter schools, ensuring high standards, financial accountability, and student-focused decision making while allowing schools to customize their academic programs to best serve their students and communities.

This legislation ensures that public charter schools remain part of the state's public education system while operating under a charter performance agreement with the Superintendent of Public Instruction. These performance agreements outline academic, operational, and financial expectations of each public charter school. Charter schools must also meet or exceed state academic and graduation requirements. These schools are required to report student data like other public schools and comply with federal and state education laws and regulations.

In addition, SB 2241 provides that public charter schools:

- Are open to **all North Dakota students** regardless of where they live, prior academic performance, and special needs.
- Take the same state assessments and follow the same standards in the Century Code and report results to the state.
- Hire licensed teachers and follow the North Dakota Education Standards and Practices Board requirements.
- Employees are eligible to participate in the state retirement plan.
- Follow the same state, local, and federal special education laws and regulations like IDEA and 504 plans.
- Follow the same school finance laws and regulations, including audits. All audit results will be sent to the State Superintendent.
- Follow the same civil rights, health, and safety requirements applicable to other public schools in the state.
- May not engage in any religious practices in curriculum, admissions, and employment and may not be a home school or virtual school.

SB 2241 encourages innovation while maintaining oversight by the state superintendent. They will have flexibility to implement unique academic models, including STEM-focused programs, classical education, career readiness initiatives, and specialized learning pathways for at-risk youth. However, to ensure quality and accountability, the Superintendent of Public Instruction will review and approve all charter school

applications to ensure they are academically and financially sound. In addition, an application for a public charter school must demonstrate community support. Without strong community support, a charter school will not open. That's another unique feature of public charter schools.

This bill also provides clear mechanisms to revoke or deny renewal for any public charter school that fails to meet or exceed academic or financial performance standards in their performance agreement. The state superintendent will approve and oversee all charter schools.

For funding, charter schools will receive the same per-pupil state funding as all other public schools but will not receive a dollar of the local funding which will continue to exclusively fund our traditional North Dakota Public Schools. Public Charters will also be required to undergo independent financial audits, ensuring transparency and fiscal responsibility. The bill makes clear that charter schools do not divert funding from traditional public schools, but instead allows state education dollars to follow the student, giving families a choice while minimizing impact to existing schools.

We all know academics are not the only function of a school. Students attending a public charter school will have access to extracurricular activities and athletics through agreements with the North Dakota High School Activities Association. In addition, a public charter school may enter into a cooperative agreement with a public or private school to facilitate athletics and extracurriculars ensuring they receive the same well-rounded educational experience as their peers in traditional schools.

SB 2241 is not about replacing or reducing the importance of our traditional public schools—it is about expanding opportunities for students and families who are looking for a public-school option. By passing this legislation, we are allowing for educational innovation while opening up new professional opportunities for teachers and support personnel. Opponents of Public Charter Schools often fear the closure of schools, the diversion of resources, and the impacts of potential public charter schools in rural areas. Yet data does not support these fears. Public Charter schools have been around for 35 years, and nowhere have we found that a district school has closed down because of a public charter school. With this legislation, **100% of public dollars** remain within the public school system. And we will hear from a few current school leaders and a teacher about how their rural charter schools are thriving today.

Opponents of charter schools often claim that they do not serve all students or that they are not accountable. This bill ensures an equal opportunity for all North Dakota students to

enroll in a public charter school. This bill requires transparency in admission and enrollment at a public charter school.

Improved student outcomes are the ultimate goal of our public education system, and this bill provides for another public-school tool we can use to achieve that goal, all while empowering parents to send their children to a public school that meets their needs.

Mr. Chairman and members of the Senate Education committee, this bill puts North Dakota students first and ensures charter schools operate with transparency and accountability. This legislation is pro-education, pro-growth, and most importantly, pro-student.

Two final points: Governor Armstrong noted the need for charter schools in his State-of-the-State address several weeks ago, and just last Wednesday President Trump issued an executive order (Expanding Educational Freedom and Opportunity for Families) which specifically directs the Department of Defense and the Bureau of Indian Education to allow for the use of public funds by parents to allow their children to attend public charter schools.

I respectfully ask for your support of SB 2241 to bring high-quality, innovative education opportunities to North Dakota's students and families.

Thank you, and I am happy to answer any questions you may have.