



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

1224 West Owens Avenue
Bismarck ND 58501
1-800-932-8791 • (701)255-4127
www.ndsba.org

SB 2241

Testimony of Amy De Kok Senate Education February 3, 2025

Chairman Beard and members of the Senate Education Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am writing to express our opposition to SB 2241, which seeks to authorize the establishment of public charter schools in North Dakota. While the bill aims to provide families with more educational choices, its implementation raises significant concerns regarding funding, accountability, educational equity, and the overall impact on our public education system.

Diverting Resources from Traditional Public Schools

SB 2241 proposes that charter schools be publicly funded, yet it does not ensure that these schools will serve all students equitably. By allowing per-pupil state aid payments to flow to charter schools, the bill will divert critical funding from traditional public schools, which already struggle with resource limitations, teacher shortages, and infrastructure needs. Unlike public schools, charter schools may selectively contract services such as special education and transportation, further burdening public schools with the most high-cost students while depleting their funding base.

Insufficient Oversight and Accountability

The bill places the oversight of charter schools under the Superintendent of Public Instruction, yet it explicitly exempts these schools from many state and local laws, regulations, and policies governing education. Charter schools are granted autonomy in budgeting, curriculum, and operational procedures, raising concerns about financial mismanagement, conflicts of interest, and a lack of public accountability. While the bill includes provisions for performance agreements, the oversight mechanisms remain weak, especially given the past experiences in other states where financial fraud and mismanagement have plagued similar charter school systems.

Potential for Increased Segregation and Inequities

While the bill states that charter schools must enroll all students, it allows these schools to focus on "at-risk students" and include a "specific academic approach or theme." This raises concerns about

selective enrollment practices that may effectively exclude students with disabilities, English language learners, and students from low-income families. Additionally, allowing children of charter school employees to receive enrollment preference further undermines the principle of open access.

The introduction of charter schools has historically been linked to increased racial and socioeconomic segregation in states where they operate. North Dakota's public schools play a critical role in fostering inclusive and diverse learning environments. The introduction of charter schools risks creating a system of educational stratification that disadvantages the most vulnerable students.

The Risk of Privatization and For-Profit Influence

A particularly alarming provision of the bill is the allowance for charter schools to contract with education service providers, including for-profit entities, for curriculum design, management, and operations. This opens the door for private companies, largely from out-of-state, to profit from public funds while avoiding the scrutiny that traditional public schools face. There have been numerous cases in other states where for-profit charter management companies have prioritized financial gain over student success, leading to poor educational outcomes and school closures that disrupt students' education.

No Proven Long-Term Benefits for Student Achievement

The justification for charter schools often hinges on the promise of improved student performance, yet research shows that results are mixed at best. In many states, charter schools perform no better—or even worse—than traditional public schools. Given the experimental nature of this initiative and the lack of compelling evidence that charter schools consistently outperform public schools, it is unwise to divert public funds to an unproven model that could weaken our existing educational system.

Public Charter Schools Can Charge Tuition and Fees

One of the most concerning provisions in SB 2241 is the explicit allowance for charter schools to charge tuition and fees. This contradicts the fundamental principle of free public education. If charter schools can impose financial barriers, it effectively turns them into semi-private institutions that exclude students based on their ability to pay. This creates inequities that have no place in a publicly funded education system.

Prioritizing Investment in Traditional Public Schools

Rather than diverting resources to a parallel education system with questionable benefits, North Dakota should invest in strengthening its public schools—ensuring smaller class sizes, increasing teacher pay, improving facilities, and expanding academic support programs for all students. Over the past several sessions, the ND Legislature has invested significant resources into public education with the

goal of providing diverse, innovative learning opportunities and environments for students. These investments are beginning to pay off, but schools are still just at the beginning of building on these efforts. We need to allow our public schools the time to demonstrate the impact of these efforts.

For these reasons, I strongly urge the Committee to issue a DO NOT PASS recommendation on SB 2241 and instead focus on policies that enhance and support North Dakota's existing public school system.

Thank you for your time and consideration. I welcome any questions.