



Great Public Schools

Great Public Service

**Testimony Before the Senate Education Committee
SB 2241
February 3, 2025**

Chair Beard and members of the Committee, for the record, my name is Nick Archuleta, and I am the president of North Dakota United. On behalf of our 11,000 members, I rise today in opposition to SB 2241 and to urge a **do not pass** recommendation for this proposed piece of legislation.

Members of the Committee, while I share Sen. Axtman's desire to improve academic outcomes for all students, I am not convinced that SB 2241 is the right vehicle to get us to our goals. If I may, I would like to share with the Committee a few of ND United's concerns regarding SB 2241 and, frankly, the other charter school bills we have seen or will see in this legislative session.

Is there a need for charter schools in ND?

When I have asked various school administrators if they are currently allowed to do the things that charter schools can do, the answer is always affirmative. Teachers and administrators have for many years been developing, adopting, and expanding innovative practices designed to make learning more meaningful and practical for the students in their charge. Programs have been implemented in some school districts which allow students to finish required coursework earlier in their academic careers so they can job shadow or intern in their expected career field. Empower Ed allows students to meet academic standards within their work environment. ND's 14 Career and Technical Education and Virtual CTE centers are meeting the needs of students in innovative ways every day while also preparing students to meet North Dakota's workforce needs. And there are several other innovative and productive programs in place in communities large and small across the state.

What is plan B if/when charter schools fail and close?

In a recent National Center for Charter School Accountability (NCCSA) study, researcher Ryan Pflieger, Ph.D., found that twenty-five percent of charter schools closed in their first five years. By year ten, that number was forty percent. By year 20, the study found five cohorts where fifty-five percent of charter schools closed. The reasons for closure showed low enrollment accounted for almost 47% of the closures, Fraud/mismanagement accounted for almost 22%, academic concerns accounted for almost 14% of closures, and financial reasons accounted for just over 10% of the closures. "Other" accounted for the remainder of the reasons charters closed during the 2022-2024 school years. The author of SB 2241 acknowledges that closures of charter schools happen on page 11, line 8 but does not address charters that *do not* intend to close nor what happens to the kids who are suddenly without a school when they do shutter their operations. It is conceivable that a charter may open in a rural community, siphon off a significant percentage of public dollars and the students the money is attached to, thus forcing the regular public school to close. When the charter school closes, the community will have no school to provide the educational services that children need.

Staffing both charter schools and existing public schools.

As we all know, North Dakota is still having a challenging time recruiting and retaining the teachers we need to meet our needs. It is difficult to see how we are going to have enough qualified and licensed teachers for both our existing public schools and charter schools. About those teachers, it is unclear what their status will be as public employees. On page 12, line 2, the author of SB 2241 writes, "*An employee of a public charter school is eligible to participate in retirement and benefits programs of the state, if the public charter school elects to participate and satisfies the requirements of the internal revenue service.*" As the saying goes, "that's a mighty big **if**." Currently, public school teachers must pay into the TFFR defined benefit retirement plan, and that is a particularly good thing. It assures that following years of service to North Dakota's children, a teacher can retire with a modest but dependable pension. If the public charter does not want to participate in TFFR, its teachers will not be allowed the same reasonable pension enjoyed by their traditional public-school counterparts doing the same job across town. Also unclear is whose employees are the

teachers. Are they simply contract employees of the public charter school? Will they follow the same negotiated agreement as the other public-school teachers in that community? Will they have collective bargaining rights? Charter schools nationally have high staff turnover rates. How does SB 2241 address that issue?

Do charter schools produce better student outcomes?

A comparative study of charter and public schools in Louisiana found that charter school students perform worse than their traditional public school student counterparts by stark margins.

Ohio adopted an A-F report card system for grading all their schools. The state's charter schools received more F grades than all other grades combined.

After two decades of charter school expansions in Michigan, students' overall performance on national assessments had fallen from the middle to nearly the bottom in math and reading. Michigan's charters scored worse on that test than their traditional public-school counterparts.

Yes, there are some charter schools that have outperformed traditional schools, but it is certainly not guaranteed that they will.

I could go on, Chair Beard and members of the committee, but I would like to conclude my testimony with this observation. What is proposed in SB 2241 is a seismic shift for K-12 education in North Dakota. To my knowledge, there has not been a great outcry on the part of the public for charter schools. Also, to my knowledge, there has not been a concerted effort to educate the public on the ramifications of enshrining SB 2241 into law. The citizens of North Dakota deserve a more fulsome conversation about this important matter.

For these reasons, I respectfully ask this Senate Education Committee to issue a ***do not pass*** recommendation for SB 2241.