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Senate Education Committee
Senate Bill 2241 – February 3, 2025
Testimony of Anna Rackley, P&A Legal Team Member

Greetings Chairman and members of the Senate Education Committee. My name is Anna Rackley and I'm a member of the legal team 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.

While P&A supports innovative approaches to education, we have concerns about how this bill addresses the needs of students with disabilities. We believe that any legislation authorizing charter schools must explicitly ensure compliance with federal and state disability rights laws, and we question the assumption that charter schools inherently provide a better solution for students with disabilities.

Some of our key concerns are:

1. **Compliance with IDEA:** The Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education (FAPE) for students with disabilities. This includes the provision of specialized services, such as speech and occupational therapy, in the least restrictive environment (LRE). Senate Bill 2241 should explicitly require charter schools to comply with all aspects of IDEA. Furthermore, it should address how charter schools will provide these services, especially given potential limitations in staffing and resources compared to traditional public schools.
2. **Funding Equity:** Charter schools receive public funding, which could divert resources from traditional public schools. This could disproportionately impact students with disabilities who remain in traditional schools. The bill should address funding concerns to ensure that all schools have adequate resources to serve students with disabilities.
3. **Non-Discrimination:** Charter school admissions processes must be non-discriminatory towards students with disabilities. The bill should explicitly prohibit discrimination based on disability and require clear, accessible information about programs for students with disabilities.

4. **Oversight and Accountability:** The Department of Public Instruction should have clear authority to oversee charter schools and ensure compliance with IDEA, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. The bill should include accountability measures and consequences for non-compliance.

Some of our recommendations are:

- **Explicitly require compliance:** Include clear language mandating that charter schools comply with IDEA, ADA, and Section 504.
- **Ensure oversight:** Grant the Department of Public Instruction authority to monitor and enforce compliance with disability rights laws in charter schools.
- **Address funding equity:** Develop a funding model that ensures adequate resources for both charter schools and traditional public schools to serve students with disabilities.
- **Promote transparency:** Require charter schools to provide clear, accessible information about their programs and services for students with disabilities.

P&A believes that school choice should not come at the expense of vulnerable students. We urge the committee to amend Senate Bill 2241 to include these recommendations, ensuring that the rights of students with disabilities are protected in any charter school legislation.

Thank you for your time and consideration.

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