

BISHOP RYAN

CATHOLIC SCHOOL

To Chairman Beard and members of the Senate Committee on Education:

I want to begin by saying sincerely that my colleagues and I are proud to help the State of North Dakota to achieve its stated interest in maintaining an educated populace. For nearly 100 years, the Catholic schools of Minot have helped the State of North Dakota educate its citizens, and in doing so, we help this great State to fulfill its interest in education; and we have done this against great odds, and at tremendous cost.

The problem is that while we capably help the State of North Dakota achieve its interests in education, the State of North Dakota does not reciprocate by helping the parents of children whose educational interests are not best met in a public school achieve those same State interests outside the public school system. For too long, the rhetoric around educational funding in legislature has mistaken the means for the end. The State's Constitution makes it clear that the purpose for the State to maintain a "free public school system open to all children" is because government by the people requires an educated populace. The public school system is a means, not the end of the State's interest in regulating education. Nobody argues the importance of our public schools or proposes that we defund them. They are an essential means for the State to use to achieve its educational interests. What is important to note, however, is that the educational needs of some of the citizens of the State can and do go beyond what the public school system provides. Thus, for the wellbeing of all of its citizens, the State should provide meaningful and proportionate financial support to these students because their education too is in the educational interest of the State.

The contemporary Jewish Rabbi, Jonathan Sacks, explains the larger role of education in this way: "As Jews, we believe that to defend a country, you need an army. But to defend a civilization, you need education. Freedom is lost when it's taken for granted. Unless parents hand on their memories and ideals to the next generation, the story of how they won their freedom and the battles they had to fight along the way, the long journey falters and we lose our way." While Rabbi Sacks speaks specifically in the context of education in the Jewish community, his basic message applies equally to others whose educational needs go beyond what can be adequately given in a public school.

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Education is the primary means of passing on culture and custom. For many parents it is not a neutral and secular endeavor. Since the 1800s, Catholics in this country have been forced to foot their own bill for the education of their children at great personal sacrifice because the largely Catholic immigrant populations of the 1800s were coming to a land that while full of opportunity, was also full of New England Protestants that wouldn't lift a finger to help the Irish, German's from Russia, or Italians, to maintain their Catholic, or as our Constitution call it, "sectarian", culture. To quote Chief Justice Roberts' opinion of the court in *Espinoza v. Montana*: "It was an open secret that 'sectarian' was code for 'Catholic'. The Blaine Amendment was 'born of bigotry' and arose at a time of pervasive hostility toward the Catholic Church and to Catholics in general; many of its state counterparts have a similarly shameful pedigree." Sadly, our own Constitution shares in this shameful pedigree of Blaine.

So, as Catholics, we had to build our own schools, at our own expense, while the Protestant majority ran the "common schools" and enjoyed full financial support of the State. I don't bring this history up to verbally tar and feather my Protestant brothers and sisters; not at all. I bring this up, to point out that the reasons why we do things the way that we do them is not always clear to us today.

Thankfully, the odious Blaine Amendment, which has been used by the public school lobby for decades to quash the attempts of parents who have come before this distinguished body looking for some equity in their share of public benefits for educating their children, has finally been identified as unconstitutional by the U.S. Supreme Court, since Blaine Amendments discriminate against the free exercise of religion by parents who have a God-given and Constitutional right to direct the education of their children.

I believe that if the judgment of this committee and the members for both chambers of this legislature remain unbiased and focused on the fact that the State's interest in K-12 education extends to all of its children, not just those served by the public school system, it will recognize that dollars can indeed flow to parents and even approved non-public schools. Moreover, these dollars ought to do just such a thing if it is in the best interest of children as determined by their parents; as long as the education they receive satisfies the basic interests of the State outlined in the Constitution. A clarifying question that comes to mind is: What is the value of a diploma granted to a graduate at Bishop Ryan in the eyes of the State? Our graduates meet or exceed the requirements of the State of North Dakota for all approved schools. Our graduates satisfy completely the interests of the State in educating its populace. And yet, the investment in our kids is exactly \$0. The actions of the State of North Dakota toward our students tells them what their State thinks of them: Even

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though your diploma accomplishes the same purpose the State, you are not worth investing in because you are not attending the “right” school.

The time has finally come to put aside the fear-based rhetoric on the part of the public-school lobby, which has shown itself to be concerned primarily in maintaining hegemony over the educational marketplace, and to support a money-following the student approach to education in North Dakota. Why do you as a legislator care where a student goes to school as long as the education they receive meets the Constitutionally outlined educational goals of the State? Why should you pick financial “winners” and “losers” based upon where a parent believes their child will get the education that they need? Because that is what is happening now. The State is picking “winners” and “losers” financially, and it is looking increasingly like discrimination based on the Blaine Amendment. The fact is that this body is willing to fund pretty much any educational opportunity, including by using public school districts as passthroughs to pay private educational academies as vendors, as long as the vendor is virtual and non-religious. This is perplexing.

As the president of a school system that has been educating children in the Minot area for almost a century, I hope the legislature can finally acknowledge in a meaningful way the fact that we serve a vital need for our community, **and** we fully satisfy the State’s interests in education for the children that attend our school. We are not the same as a public school; we are different and that is why parents need us. But this doesn’t mean that our education is in any way deficient in helping the State achieve its interests in the education of its populace while we help our parents achieve their interests. Our diplomas are every bit as valuable to the State of North Dakota as Minot Public’s or West Fargo’s or Washburn’s. There is no difference in terms of value to the State. Our parents should receive proportionate benefit by way of financial support for their children’s education that any other parent does in a public school because in both cases the State’s interests in having an educated populace are satisfied.

Thank you for your time and consideration.

Sincerely,



Fr. Jady Nelson, M. Ed
School President