

NDCEL Position Statement on Public Funding for Private Education, Charters, Vouchers, or ESA's that provide private school reimbursement.

As advocates for equitable and high-quality public education in North Dakota, we uphold the following principles regarding charter schools, vouchers, Education Savings Accounts (ESAs), and private school tuition:

1. Commitment to Public Education

We believe that public funds should be dedicated to strengthening public schools as that is the only education that is constitutionally obligated and driven, ensuring all students have access to quality education regardless of their socioeconomic status. Diverting public dollars to private institutions undermines this commitment and can lead to resource disparities. While proponents continue to say that putting dollars toward this doesn't hurt funding toward public schools, we would challenge that notion by indicating that **all agencies and all requests** come out of the same pot of dollars. Whenever there is an expenditure with a cost to continue, that not just takes from education but from EVERY sector – NDDHS, Transportation, Emergency Services, etc. etc.

2. Constitutional Considerations

The North Dakota Constitution mandates the provision of a uniform system of free public schools throughout the state and one that is free from sectarian control. South Carolina supreme court just ruled their ESA to be unconstitutional because of private school tuition reimbursement and their constitution is quite similar to ours. Allocating public funds to private schools, whether through vouchers, charters, or ESAs, as reimbursement to parents based on tuition raises significant constitutional concerns. Notably, in *Bismarck Public School District No. 1 v. State of North Dakota*, the court emphasized the state's responsibility in maintaining public education. There is no state constitutional obligation to provide money for school choice. I like to share a simple analogy to help explain this. If I invite everyone in my neighborhood over to my house for dinner and I serve hamburgers, if one of my neighbors chooses to go get pizza instead, am I obligated to pay for their pizza bill as well?

3. Public Opinion

Recent extensive surveys indicated that a substantial majority of North Dakotans oppose using public money for private school tuition. A poll released in January 2025 showed that 68% of respondents strongly opposed public funds being allocated to private education. What our constituents of North Dakota care about the most are #1 – property tax relief, #2 – free lunches for our students of North Dakota. This makes natural sense, 91% of our students in North Dakota attend public schools, that means that a common percentage of parents and grandparents have students in public schools. They want the investment to go to their teachers and their schools.

4. Legislative Actions

Despite public opposition, legislative efforts have been made to channel public funds toward private education. For instance, House Bill 1532 in 2023 proposed allocating \$10 million in state funds for private school tuition assistance. Such measures not only contradict public sentiment but also divert essential resources from public schools and all other constitutionally obligated budgets. There are MANY bills this session that are all attempting a similar attempt.

5. Sufficiency of Current Public-School Options

North Dakota's public schools are equipped to offer diverse educational opportunities. Existing legislation allows for innovative programs within the public-school framework, effectively providing choices comparable to charter models or micro-school options without diverting funds to private entities.

6. Lack of Evidence for Improved Outcomes

Research does not conclusively demonstrate that vouchers, charters, or ESAs lead to improved educational outcomes. A report by the Brookings Institution highlighted concerns regarding the efficacy of such programs, suggesting that they do not necessarily result in academic performance but do exorbitantly impact state budgets.

7. Impact on Existing Private Education Support

The introduction of public funding mechanisms for private education, such as vouchers and ESAs, has the potential to alter existing funding dynamics. While comprehensive data specific to North Dakota is limited, national trends indicate that increased public funding for private education can lead to adjustments in private contributions, including those from religious institutions. It is essential to monitor and assess these impacts to ensure that the introduction of public funds does not inadvertently reduce private support for private education.