

1 **Testimony in Opposition to SB 2400 – Education Savings Account Program**

2 *Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools*

3 Good morning, Chairman and members of the committee.

4 First, I want to thank Senator Axtman, the key sponsor of this bill, as well as the
5 other sponsors, for their ongoing commitment to improving education in North
6 Dakota. I also appreciate the opportunity to share my thoughts today, which
7 reflect the concerns of both myself and many of my colleagues in education.

8 Over the past several legislative sessions, I, along with other educational leaders,
9 have voiced a concern that public schools—especially large districts like Bismarck
10 Public Schools, which serves nearly 13,900 students—are not equipped to be the
11 sole solution for every child's educational needs. The diversity of needs across our
12 student body is vast, and while we strive to support every child, it is unrealistic to
13 expect any single institution to address all of their academic, emotional, and
14 behavioral needs in a manner that is both efficient and effective.

15 We have seen this firsthand in our efforts to address complex issues such as
16 mental health, behavior, and personalized learning. Legislation aimed at providing
17 broader access to services like instructional tutors, additional assessments, or
18 specialized programs for arts and health services is well-intentioned, but in
19 practice, it is often challenging to implement these solutions at scale within public
20 school systems.

21 As a parent of two children, I understand firsthand how difficult it can be to
22 identify and address the full spectrum of a child's needs. I was able to recognize

1 my children's unique educational, emotional, and physical needs more clearly
2 than their teachers or administrators, simply because I was with them every day.
3 This personal experience has reinforced my belief that no single institution—
4 whether public or private—can be expected to meet every need for every child.
5 That’s why I support efforts to empower families to make decisions that best
6 support their children, whether that’s through educational materials, tutoring,
7 therapy, or college preparation programs.

8 However, despite my support for providing families with more educational
9 options, I must stand in opposition to SB 2400 as it is currently written,
10 particularly with regard to Section 1, Part 5, which outlines the use of public funds
11 for non-public schools.

12 I believe it is unwise and potentially unconstitutional to use publicly collected tax
13 dollars to fund non-public schools directly, without sufficient accountability
14 measures in place. While the bill includes some accountability provisions, such as
15 requiring compliance with 42 U.S.C. 1981 (which addresses discrimination), there
16 is no clear requirement for non-public schools to provide audit reports to the
17 state or make their board meetings open to the public. These are basic
18 transparency measures that public schools are required to uphold, and I believe it
19 is crucial that any recipient of public funds be held to similar standards of
20 oversight and accountability.

21 Furthermore, there is no language in the bill that ensures non-public schools
22 cannot continue to reject students based on factors such as academic
23 performance, special education needs, or other criteria that would not be

1 permissible in public schools. The lack of these protections is concerning, as it
2 creates a disparity between the oversight and inclusivity required of public
3 schools and the flexibility granted to non-public institutions.

4 In conclusion, while I wholeheartedly support empowering families to make the
5 best educational choices for their children, I believe we must be cautious in how
6 public resources are allocated, especially when it comes to non-public institutions.
7 We must ensure that public funds are used in a way that promotes accountability,
8 transparency, and equitable access for all students.

9 Thank you for your time and consideration. I would be happy to answer any
10 questions.

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