

# Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369

Milnor, North Dakota 58060-0369

Phone: 701-427-5237 | Fax: 701-427-5304

www.milnor.k12.nd.us

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Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

## 1 Testimony in Opposition to SB 2400

2 Presented by: Dr. Chris Larson

3 Superintendent, Milnor Public Schools

4 Member, Legislative Focus Group – North Dakota Council of Educational Leaders (NDCEL)

5 February 5, 2025

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## 7 Chair Beard members of the committee,

8 Thank you for the opportunity to testify today. My name is [Your Name], and I serve as the  
9 Superintendent of Milnor Public Schools and as a member of the legislative focus group for the North  
10 Dakota Council of Educational Leaders (NDCEL). I am here today to express **strong opposition to SB**  
11 **2400**, as it raises serious concerns regarding **public school funding, constitutional integrity, and**  
12 **equitable support for all students.**

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## 14 1. SB 2400 Diverts Public Funds Away from Public Schools

15 North Dakota's **public schools educate over 90% of our students**, providing essential services such as:

- 16 • Special education services for students with disabilities.
- 17 • Student transportation.
- 18 • Mental health support and school counseling.
- 19 • Career and technical education programs.

20 Public schools serve **all students, regardless of ability, background, or financial means**. SB 2400  
21 **redirects public funds away from these schools**, limiting resources for the vast majority of North  
22 Dakota's children.

23 The bill appropriates **\$3 million** from the state's general fund, which could otherwise be used to  
24 **increase teacher salaries, enhance classroom resources, or expand student support services**. Our  
25 focus should be on strengthening public education, not diverting limited resources elsewhere.

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## 27 2. SB 2400 Violates the North Dakota Constitution

28 North Dakota's Constitution is clear:

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- 1 • **Article VIII, Section 5 states:**

2 *“No money raised for the support of public schools shall be appropriated or used for the*  
3 *support of any sectarian school.”*

- 4 • **Article X, Section 18 states:**

5 *“Neither the state nor any political subdivision thereof shall make any direct or indirect*  
6 *appropriation or payment from any public fund... in aid of any sectarian school, or for*  
7 *any other sectarian purpose.”*

8 By creating an Education Savings Account (ESA) program that can be used for **nonpublic education**  
9 **services**, SB 2400 **raises constitutional concerns** regarding the use of public funds. This **could lead to**  
10 **legal challenges**, creating instability for education funding in the state.

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## 12 **3. Unequal Funding for Students in Public vs. Nonpublic Settings**

13 SB 2400 creates an **imbalance in how students receive funding** based on where they attend school:

- 14 • Students in **public schools** receive only **\$1,000** in ESA funds.  
15 • Students participating in **home education programs** also receive **\$1,000**, despite not attending a  
16 publicly funded institution.  
17 • Meanwhile, students attending **nonpublic schools** receive between **\$2,500 and \$4,000**—up to  
18 **four times the amount public school students receive.**

19 This funding structure **prioritizes certain students over others** while drawing money from the same  
20 public education funding source. **If public dollars are allocated for ESAs, they should be distributed**  
21 **equitably** to ensure **all students receive fair and proportional support.**

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## 23 **4. North Dakota Needs to Invest in Strengthening Public Schools, Not Undermining** 24 **Them**

25 Public education is the foundation of North Dakota’s workforce and economy. **The students in our**  
26 **public schools today will be the teachers, nurses, engineers, and business leaders of tomorrow.**

27 Instead of diverting funds to alternative education models, the state should prioritize:

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- 1 • **Fully funding public schools** to ensure all students have access to high-quality learning
- 2 environments.
- 3 • **Expanding career and technical education (CTE) programs** to prepare students for high-
- 4 demand jobs.
- 5 • **Increasing support for student mental health services** to address rising needs in schools.

6 Every tax dollar allocated to education should support **schools that serve all students, not just a select**

7 **few.**

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## 9 **The Precedent Problem: Unintended Consequences of Funding Religious Schools**

10 A particularly concerning aspect of SB 2400 is its **long-term implications** for how public funds could

11 be used to support religious education in North Dakota.

- 12 1. **State Support for Private Schools Must Be Neutral and Equitable**
    - 13 ○ If the state funds private religious schools, it must **do so without favoring one faith over**
    - 14 **another.**
    - 15 ○ SB 2400 **sets a precedent**—if public dollars can be used for private Christian schools
    - 16 today, they could just as easily be used for **schools affiliated with any other religion in**
    - 17 **the future.**
  - 18 2. **This Bill Opens the Door to Unintended Consequences**
    - 19 ○ If passed, SB 2400 **could require the state to fund private schools of all religious**
    - 20 **backgrounds, including those that may not align with the values of the legislature or**
    - 21 **the general public.**
    - 22 ○ **Would the legislature be comfortable funding schools affiliated with non-traditional**
    - 23 **or controversial belief systems?**
    - 24 ○ Once public funds are allocated to **private** religious institutions, the **state cannot**
    - 25 **discriminate** in how those funds are distributed.
  - 26 3. **Potential Legal and Constitutional Challenges**
    - 27 ○ Funding **only** certain religious schools while denying others could lead to **legal**
    - 28 **challenges on the grounds of religious discrimination.**
    - 29 ○ Courts have ruled that **if a state provides public funds to religious schools, it cannot**
    - 30 **exclude any religion without violating First Amendment protections.**
    - 31 ○ This could **force** the legislature to fund schools it may not intend to support.
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## 33 **Conclusion**

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1 SB 2400 **redirects critical education funding away from public schools, violates constitutional**  
2 **provisions, and creates an unequal distribution of state funds.**

3 For these reasons, I urge this committee to **reject SB 2400.**

4 Respectfully submitted,

5

6 Dr. Chris Larson

7 Superintendent

8 Milnor Public School

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