

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1320

2001 HOUSE EDUCATION

HB 1320

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1320

House Education Committee

☐ Conference Committee

Hearing Date 01/24/01

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|------------|
| #1 | | X | 14 to 2900 |
| #2 | X | | 1 to 3113 |
| #2 | | X | 1 to 222 |
| Committee Clerk Signature <i>Jim Belkote</i> | | | |

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will open the hearing on HB1320.

Rep. Grande: If funds appropriated by the Legislative Assembly, there is remaining, after completion of all statutory obligations by the superintendent of public instruction, have been distributed, partial tuition reimbursement to parents will be provided by this section. The parents of the students who attend nonpublic schools may apply for a partial reimbursement of the funds expended by the parent on behalf of the student. They must submit a receipt showing payment of full tuition owed for their current school year. Ways this reimbursement could take place would be the lesser of the three options: a 10% of the tuition paid to the school by the parent, the amount of the state tuition fund apportioned per student by the superintendent of public

instruction, the amount available under this section prorated among all the students qualified under this section, and as you are familiar with, section 2 is just the rewrite if you guys pass the other bill. I feel that education should be thought of as, what can it do for the learning opportunities for the children. Many will tell you that this money will take money from the public schools, but this bill is not directed at that money, it is directed at the money that will be left after the state payments have been made. The obligations have been made and paid to the public schools. This small amount before you will enable more families to take advantage of the wide range of educational opportunities in their communities. Today a voice cries out for justice. It is the voice of tax paying parents who are funding two school systems. They are just calling for some equity. The state tuition fund apportioned per student by the legislator goes to the students school district, even though these students are attending the school, and we are not proposing that we receive those funds. We are asking for the surplus dollars.

Rep. Nottestad: I don't see a repealer in the bill in any way to repeal the bill we passed last session that would require all leftover foundation aid money to be distributed on an ADM basis.

Rep. Grande: When I had asked council to put this together, it was understood that, yes, that money would still go back in as a reapportionment, but before that, this option would come in.

Chairman Kelsch: So, your intent is to, during the last legislative session, we took the turn back moneys, and we distributed those based on reorganization of school districts, and then whatever was leftover beyond that was redistributed to the school districts based on ADM, so which part of this would it be replacing?

Rep. Grande: It was my understanding that the first portion would be taken care of that you just spoke of and it's before the second.

Jack McDonald: (SANS) *Please refer to written testimony

Rep. Hawken: The goal in ND is to provide 60% to 70% of the cost of local school districts. We fall very short with that. Would you be in agreement that if the state meets that goal, because we aren't really in a surplus, we aren't even come close to what we have said as a state that we are going to provide for public education.

McDonald: We would not be opposed to that if you determined by the end of the session what your level of funding is going to be and how close to that 60% to 70% you can come, I don't know if they've ever tied the turn back moneys to that 60% to 70%. What we're saying is that if there turns out to be a surplus, then we would like the opportunity to apply for it.

Rep. Sandvig: (District 21) my children went to nonpublic schools, and I feel that these parents should get something back, because they are still paying their taxes.

Elizabeth Gross: (Principal of Cathedral School) *Please refer to written testimony*

Rep. Nelson: In your estimate of the \$16 million saved in the foundation payment, was there any consideration as to the money that the local property tax payers have saved with the building and the construction of buildings. Is there any way of getting a number of that?

Gross: I would be more than happy to get that for you.

Rep. Mueller: Are we also talking about home schooled individuals?

Gross: This is not a home school bill. We are talking about the non public schools.

Rep. Nottestad: With the money comes expectations, if the state of ND starts to send money into the parochial schools, don't they have then, some expectations? Are you prepared for that type of thing?

Gross: I think that is a question that we would want to explore. In terms of expectations, one of the biggest differences is that the ability to promote it and religious beliefs in our school systems, and I feel that we could keep it separate.

Rep. Hawken: For clarification, one of the main differences is that public schools are required to deal with the special education needs and those kinds of things. What is your responsibility as far as following those federal mandates?

Gross: We have a great responsibility for taking care of students of all ability levels in our schools, and we work very closely with the public school districts to provide particular services for our students inside and outside of our buildings as well.

Rep. Hawken: Both of which are paid for by the public schools.

Gross: Those schools are funded by the public schools, yes.

Roman Weiler: (SANS Executive Committee) *Please refer to written testimony*

Rep. Nelson: The public schools, declining enrollment has hit almost every school, the projections are that it won't be long and we'll be under 100,000 students in the state. What has happened in the nonpublic arenas?

Weiler: It's declining as well, I think in proportion with the public schools.

Rep. Hanson: Do any of the nonpublic schools in the state have the right to decline enrollment?

Weiler: I imagine we would, I don't know what instances we would do that.

Christopher Dodson: (ND Catholic Conference) *Please refer to testimony*

Rep. Mueller: HB1320 does not take away from money away from the public schools, now given the current set of statutes that we're working with, I'm not sure if I understand your

comment. It's designed now for those extra moneys to go back to the public schools, and that's the pool that you, in this bill, are suggesting we use for the reimbursement.

Dodson: I'm not sure if I can help you understand it, because I'm from nonpublic schools, I'm not entirely familiar with the public schools. My understanding was this was surplus money.

Chairman Kelsch: Those dollars result from, when we at the beginning of a biennium, say, this is how many students are going to be enrolled in our k-12 public schools, and at the end of the biennium, due to declining enrollment, that number of students have gone down, so the school districts, while they receive all of the money that are due to them, may not receive all of it that they thought they were going to receive because they maybe lost 100 students. That money comes back to the general fund, and typically this body has determined to either redistribute those moneys back to the school districts or to hold it over and put it back into the public education system for the following biennium, so to say that it's not taking away from the public school system is somewhat erroneous, because it's money that's always gone back into the public schools system.

Rep. Nottestad: Do you wish and think that this bill is passed without increasing enrollment?

Dodson: We don't care. When I talked to principals, they weren't interested in increasing enrollment, what they're interested in is that they're making sure that the members of the communities can come.

Rep. Nottestad: But if it does increase enrollment, then I would have problems with your last statement, and it would impact public schools contrary to what you say in here.

Dodson: Wouldn't the aid payments be advised accordingly?

Rep. Nottestad: Then the money would go back to all the schools, and the money wouldn't be available to you.

Dodson: I'd have to do some more work on the financing.

Rep. Brusegaard: I'm a little disappointed in a reference you made in the second paragraph of your testimony, and I'm curious, do you find our inability to pass legislation in past years, do you find us an anti-Catholic body?

Dodson: No, not with past legislation, historically, in how this system was set up has its roots in anti-Catholic sentiment. In the late 19th century, mostly dealing with anti-Catholic and anti-Irish and anti-immigrant sentiments. A system was set up in a way that the public school was segregated.

Rep. Nelson: ND, I think we've run our schools on a per student basis, and when the number of dollars that we decide to put in to our schools on that basis is met, arguably, wouldn't that meet the state's obligations? Anything that's left in that fund is excess, some years there hasn't been any and I don't think that's been in question, but the fact is, once we've met those numbers, that the state has met its obligation and that would be the premise that you would argue that it isn't costing our public schools. Would you agree?

Chairman Kelseh: If that's how you perceive it that's fine, but I think that you've been on the education committee and you know that those moneys always go back into public education. Mr. Dodson, you have stated in here that it's difficult for some individual to attend a nonpublic school, due to the cost. Do you turn people away who have chosen to go to a nonpublic school, because they cannot pay?

Dodson: I'd think we'd have to ask individual principals if they've turned anyone away.

Perhaps some people don't even apply because they think they don't have the ability to pay.

Steve Brannon: (SANS Executive Committee) To quote Bush, 'One size does not fit all when you're talking bout a students education'. I have been privileged to always be in a community that always offered opportunities and choice for families. We're asking for a do pass so that the parents who make that choice have some option, I know that not all parents will apply, in some situations it would be quite small, \$40 for a parent paying full tuition. I think it would be a tremendous opportunity for this group to make a statement. We have never turned away a single student. We've lost some students because their families inability to pay, we've lost a lot more students because they feel other educational opportunities will meet their needs better.

Rep. Nelson: There's a 65 nonpublic schools, are they all credited by DPI?

Brannon: I don't have that knowledge. I know that not all of them are members of SANS, and all of their members are accredited.

Written testimony submitted by Mark Knell

Chairman Kelsch: We will now take testimony in opposition to HB1320.

Max Laird: (NDEA) *Please refer to written testimony*

Richard Ott: (ND Council of Educational Leaders) The comment was made that parents have a right to choice, and the government has a responsibility then to fund that choice, I only agree with the first part. Another statement was made that this was a gentle step. I feel very strongly that the private schools have a very definite role in the state. The state of ND has the responsibility to fund the public school, and the responsibility to allow an alternative system to develop and flourish if the people choose. The responsibilities of a private school are different

than the responsibilities of a public school. The public school has to take all comers and has to provide a valid education program. There's nothing wrong with that, and then people who want an alternative certainly have the prerogative of getting that. Again, I don't think it's the governments responsibility to fund all of the alternatives that we, as private citizens, choose.

Shelly Seeberg: My daughter does attend private school and this becomes a discussion of private versus public. We made a choice in our family for our daughter to attend private school, and it was a good choice, the school is excellent, the teachers are excellent, but it's a choice we made, and it's a choice that we paid for. I think that public moneys need to be used for public good, and that means providing public education at the highest standard that we can. Today, we're struggling on how to make some really good public schools available and funded at the levels they need to be funded at. As a parent who has decided to put a child in private school, that is my choice.

Bey Nielson: (ND School Board's Association) In the past, we've had this discussion about turnback money and this has nothing to do with the public/private school issue, but it does have to do with gaining support for the concept that the legislature appropriates about the amount of money that they think they can afford out of their state budget for public schools, we only use the per pupil payment, because we have to have some number to facilitate the distribution of that money. Whether or not this particular plan would meet constitutional muster, I don't know, because we've seen several bills that are splitting constitutional bills in the way that it's worded, but in my opinion when you read lines 17 and 18, it's very clear that while the money isn't paid directly to the schools, that reimbursement can only be expected if the parent can prove that the money went to a private school.

Dean Bard: (ND Small Organized Schools) *Please refer to handout, number 11*

Dan Huffman: (resident of Fargo) The Fargo school district does in fact receive tuition apportionment money for all children who are residents of our school district regardless of whether or not they attend the public school for their education. If there are children in the private school environment in our community that require special needs services, they're delivered by the public school at public expense, and those tuition apportionment moneys received along with any other federal dollars still only provide a fraction of the cost of those services we provide. Bottom line is that those dollars are provided to public schools for services that we are required, by law to provide. There is also a suggestion that as a parent, they have made a choice that they are paying for twice. They're paying for the public setting while also financing the private setting. I'm a tax payer too, and that same argument can be made for every service that's provided by government, my tax dollars provide public health care, yet I pay for my own health care with private dollars, public health care provides for food assistance, eating assistance, housing subsidies, that's all public dollars. That's the nature of how our government funds those things that are public responsibility.

Chairman Kelsch: We will now close the hearing on HB1320.

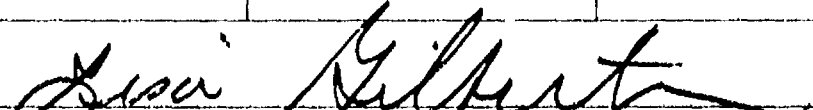
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1320 A

House Education Committee

☐ Conference Committee

Hearing Date 01/24/01

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|--------------|
| #4 | X | | 1075 to 2530 |
| | | | |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunsakor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up HB1320. What are the wishes of the committee?

Rep. Meier: I move a Do Not Pass.

Rep. Mueller: Second.

Chairman Kelsch: Committee discussion.

The motion of DO NOT PASS passes with 11 Yay 3 Nay 1 Absent.

Floor Assignment: Rep. Haas

FISCAL NOTE

Requested by Legislative Council

01/18/2001

Bill/Resolution No.: HB 1320

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| \$0 | \$0 | \$0 | \$0 | \$0 | (\$1,450,000) | \$0 | \$0 | \$0 |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Expenditures from this bill if it becomes law would reduce school district revenue by \$1,450,000 if this were foundation carry over of at least that amount at the end of the biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

| | | | |
|---------------|------------|----------------|--------------------|
| Name: | Tom Decker | Agency: | Public Instruction |
| Phone Number: | 328-2267 | Date Prepared: | 01/19/2001 |

Date: 1/24/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1320

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not PASS

Motion Made By Rep. Meier Seconded By Rep. Mueller

| Representatives | Yes | No | Representatives | Yes | No |
|----------------------------------|-----|----|----------------------|-----|----|
| Chairman-RaeAnn G. Kelsch | X | | Rep. Howard Grumbo | X | |
| V. Chairman-Thomas T. Brusegaard | | X | Rep. Lyle Hanson | X | |
| Rep. Larry Bellew | | X | Rep. Bob Hunsakor | X | |
| Rep. C.B. Haas | X | | Rep. Phillip Mueller | X | |
| Rep. Kathy Hawken | X | | Rep. Dorvan Solberg | | |
| Rep. Dennis E. Johnson | X | | | | |
| Rep. Lisa Meier | X | | | | |
| Rep. Jon O. Nelson | | X | | | |
| Rep. Darrell D. Nottestad | X | | | | |
| Rep. Laurel Thoreson | X | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 11 Click here to type Yes Vote No 3 Click here to type No Vote

Absent 1

Floor Assignment Rep. Haas Click here to type Floor Assignment

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 24, 2001 4:35 p.m.

Module No: HR-12-1559
Carrier: Haas
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1320: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1320 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

HB 1320

Dean
Bard
HB 1320



North Dakota Small Organized Schools

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North Dakota Small Organized Schools

Legislative Program 2001

LEGISLATIVE PROGRAM

1. The 90% cap on state transportation costs should be eliminated and districts should be reimbursed 100% of cost. Reimbursement for busses with capacity of transporting 10 or more students should be increased from 67 cents to 75 cents per mile for transporting students living outside the incorporated limits of a city. Transportation services for special and vocational education should continue to be funded.
2. All schools should have access to improved distance learning technology for instructional purposes and this program should continue to be funded. School boards should have the authority to levy up to 5 mills to meet funding costs. In addition, school building fund tax monies should be allowed to be used for the purchase and maintenance of educational technology equipment for student instruction.
3. Each school district's interim fund has been established and managed to meet local conditions and needs and therefore should not be subjected to additional state-mandated restraints or controls.
4. Teacher salaries are a matter of paramount importance and it is the responsibility of each local school district to determine such salaries, in accordance with local conditions and needs, so as to attract and retain quality professional instructional personnel.
5. NDSOS supports legislation that funds special education in an adequate and equitable manner and at a level that enables school districts to meet the needs of special education students. The state should have a responsibility to fund at least 70% of the cost of special education.
6. The establishment of each school's calendar is a matter of local control. The legislative assembly should permit schools to have more flexibility to determine the length of a school day. Schools should also be given the authority to provide an additional two days of state-funded professional staff inservice training.
7. NDSOS supports legislation that would allow school boards to increase property taxes by a maximum of three percent each year after reaching the millage cap. The cap should not be less than the average statewide school district tax levy. State foundation aid should be founded on a broad-based, stable state supported system which insures basic education standards for all students no matter where they may live. These elements should be a part of any plan:
 - 70% of the cost of education should be met by the state foundation aid program.
 - There should be no increase in the millage deduct until the state reaches a level of funding that equals or exceeds 70% of the statewide average cost of education. The value of all local tax-abated real property should be included in the calculation for state foundation aid entitlements.
 - All sources of wealth should be included in the calculation for state foundation aid entitlements.
8. The association continues to believe that the changing of school district boundaries is a matter for local determination. Therefore, any legislation that permits a reorganization to be effective without a favorable vote of the patrons of the district or districts that are affected, will be opposed.
9. It is recognized that mandated educational requirements issuing from the state are necessary for the comprehensive delivery of educational services. However, it is also believed that the state should fund at 100% any new mandate that it requires, and, if no funding is made available, then school districts should not be required to comply with the mandate. Interim committees of the North Dakota Legislative Council should continue to review current practices to determine which educational mandates are no longer current or necessary and should be deleted.
10. While recognizing the importance of the Americans with Disabilities Act, handicapped access requirements, fire and life safety codes and other state and federal mandates, schools should be given a reasonable time to comply with these provisions in areas that are not inordinately hazardous. School districts should be able to obtain loan funds from state construction fund and other sources on a long-term, low-interest rate basis to meet these costs.
11. NDSOS opposes legislation that establishes charter schools or voucher systems or tax credits for private schools.

January 24, 2001

HOUSE EDUCATION COMMITTEE
HB 1320

CHAIRMAN KELSCH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I am appearing today on behalf of the State Association of Non-Public Schools (SANS). We strongly support HB 1320 as a fair and equitable way of giving some assistance and help to the parents of the approximately 7,500 nonpublic students in North Dakota, of which I am one.

You can see that there are many other parents here today because of their interest in this bill. You'll be hearing shortly from others in the association about this bill. This brings an element of fairness and equity to this part of the educational framework. Under this bill, the public schools will get every cent of their allocated foundation aid. This will not infringe one iota on their entitlements. We are dealing here just the surplus in this funding that's available after all of the public school allocations. This will not change where students go to school. Of my six children, four went to nonpublic schools and two to public schools. These decisions weren't made on the basis of tuition costs or foundation payments...these decisions were made by the children and parents together.

Note also that this bill will only payback a percentage of the tuition paid to nonpublic schools. We question whether the cost will be as high as the fiscal note indicates, but others will discuss that.

We respectfully urge that you take a big step forward in North Dakota and give this measure a **do pass**.

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

Elizabeth Gross
Principal
Cathedral School

"John Andreasen"
<andrejo@gw.fargo.k
12.nd.us>

To: <bgrande@state.nd.us>
cc:
Subject: HB 1320 Testimony

01/23/01 08:36 PM

Testimony on House Bill 1320
Rev. John Andreasen, President
Oak Grove Lutheran School
Fargo, ND

Members of the House Education Committee:

I am pleased to testify in support of House Bill 1320 for a partial tuition reimbursement to parents of children enrolled in private schools.

In North Dakota we have two approved systems for the delivery of education: a public system and a private system. All taxpayers in ND assist in funding the public system. The families who choose the private school alternative pay for their choice through tuition, over and above the taxes paid to support the public system.

There are approximately 8000 children in private schools in ND. The economic impact of these children using a state approved private system is twofold:

1. They are saving the state \$16,000,000 annually in Foundation Aid payments, and
2. Through tuition, they are pumping another \$16,000,000 into the private education system which creates an overall positive stimulus in our economy.

ND has about 65 nonpublic schools working in harmony with the Department of Public Instruction offering quality educational opportunities for 8000 students. These schools are spread across the state in rural and urban settings. They represent Lutherans, Catholics, and evangelicals on the religious front, as well as the Montessori system.

Tuition rates at Oak Grove may be the highest in the state. Middle School students in grades 6-8 pay a tuition rate of \$2990 and senior high students pay \$4440. In ND the choice these parents make is not a vote against the public system, but an embracing of the positive values offered in a nonpublic setting.

ND falls far behind Minnesota and many other states in its support of education. This bill offers one gentle step in bringing equity to parents who are seeking to provide the best education possible for their children.

Your support of HB 1320 would give the parents of children in private schools a nod of recognition for the valuable contribution they are making to the overall educational program and economy in ND.

I urge you to vote in favor of House Bill 1320.



SANS

State Association of Non Public Schools

The State Association of Non Public Schools (SANS):

Promotes – high quality education in a context infused with a strong value orientation

Supports – parent's right to an alternative education

Enriches – education and society in North Dakota and nation

Works – cooperatively with the State of North Dakota on behalf of nonpublic schools

SIMPLE EQUITY

- One of the privileges of living in America – land of freedom, opportunity and equal rights for all – is the ability to educate children in the way parents choose.
- North Dakota private school parents are considered "public" in paying taxes toward education, but "non-public" in receiving tax benefits.
- The parents are seeking "simple equity" from their tax dollars to cover a portion of the required basic curriculum costs.

ECONOMIC IMPACT

- 60 Schools
- 7298 Students

Students in SANS member schools saved the State of North Dakota

\$16,534,105

in Foundation Aid payments during the 2000-01 school year.

PLUS

- Local tax savings
- Local district gains in tax apportionment
- Local economic impact

**SANS Schools are located in the
following communities**

- ❖ Belcourt
- ❖ Bismarck
- ❖ Carrington
- ❖ Devils Lake
- ❖ Dickinson
- ❖ Fargo
- ❖ Fort Yates
- ❖ Glenburn
- ❖ Grafton
- ❖ Grand Forks
- ❖ Jamestown
- ❖ Langdon
- ❖ Larimore
- ❖ Lehr
- ❖ Minot
- ❖ Mandan
- ❖ Moorhead
- ❖ Raleigh
- ❖ Rugby
- ❖ Wahpeton
- ❖ Watford City
- ❖ Williston



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: House Education Committee
From: Christopher Dodson, Executive Director
Subject: HB 1320 (Tuition Reimbursement)
Date: January 24, 2001

The North Dakota Catholic Conference supports House Bill 1320.

Our position stems from a belief in two fundamental principles. The first is that every parent has a fundamental right to choose the means of education for their children. The second principle is that every child has a right to an education and that the state has an obligation to support that education. This principle is well established in our nation's history and is a key to our nation's success and the preservation of democracy. This obligation is what is meant by public education.

Our society generally accepts these two principles. However, for various historical reasons, some of them rooted in anti-Catholic sentiments, our present system treats them as mutually exclusive. In our present system, if parents exercise their right to choose they can be denied the right to government assisted education. If government assists the education, the parents must lose their right to choose. The mere fact that some parents choose a government school and their child gets a state-supported education does not negate the fact that the system does not recognize both rights as coexistent.

It is time to remedy this injustice. We are not here because we want assistance for Catholic schools. HB 1320 does not provide assistance to Catholic or any other nonpublic schools. We are not here because we believe the government school system has failed. The North Dakota Catholic Conference supports the public school system and insists that the state fully support that system. We are here because every child deserves an education and because the state has a duty to assist in that education, even if the parent happens to exercise their right to choose a nonpublic school.

We are here for parents, like those who send their children to St. Ann's in Belcourt. Many parents of students at St. Ann's make great sacrifices to send their children to that school. Indeed, so many cannot afford the \$400 yearly tuition that

227 W. Broadway, Suite 2
Bismarck, ND 58501

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the school only requests, not mandates, tuition. Otherwise, 30% to 40% of the students would not be able to attend. Yet keeping this school open is very difficult. With so little tuition coming into the school, it is difficult to hire and retain certified teachers.

When society helps relieve the burden placed on families that choose a nongovernment school, it accomplishes several things. First, society affirms their belief in public education. Public education is society's support, financially and otherwise, of a child's education. We do this because we recognize that a basic education is essential to a person's development and dignity, the support of families, the preservation of communities, and the maintenance of a democracy.

Second, when society alleviates the burden it empowers parents. Allowing parents to choose the means of education for their children and providing the concrete conditions for exercising that choice, places parents in their rightful position as the primary educators of their children. If you want better parents, you treat parenting, including parental choice in education, with respect. Our present system, however, penalizes parents for their choice if it involves a nongovernment school.

Third, when society relieves some of the burden of choosing a nonpublic school, it helps achieve justice. When the parents of children who are not in government schools pay twice for education - once to the government system and again for the education of their own children, but receive nothing from the state in return, justice is denied. When poor families do not receive the same opportunities to choose the school of their choice available to affluent families, justice is denied. When parents are penalized for choosing a school that best reflects their philosophical convictions, justice is denied.

House Bill 1320 does not take money away from the public schools. The argument that tuition reimbursement will financially hurt public schools rests on a false premise. Tuition reimbursements do not take money away from public schools any more than roads, medicaid, the public employees' retirement system, lignite energy tax breaks, or any other public program takes money away from public schools. The state can provide relief to parents without affecting funding for government schools.

The time has come for justice and relief for parents. We urge a **Do Pass** on HB 1320.

House Bill 1320

Land of the Free!

I think House Bill # 1320 is about freedom of choice, the right to choose the school of your choice. Why is it that the Congressmen in Washington D.C. who are for a women's freedom of choice over abortion rights are the same ones who are against freedom of choice when it comes to schools.

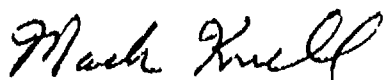
The enrollment of the public schools, which is free, is going down while the enrollment of private schools, which charge tuition, is going up. This situation should be telling us something. Parents want the best education for their children.

Parents that would like to send their children to private schools not only have to pay for tuition but also school property taxes. I know that in Burleigh County an average family of 4 living in an average 3 bedroom house pays approximately \$1,400 in school taxes. This creates an economic bondage situation for most families especially the poor.

I remember reading that it costs the government approximately \$3,500 to \$4,500 per student in education cost per year. So the families that are sending their kids to private school are saving the taxpayers \$3,500 to \$4,500 per student. Is it not fair to reimburse those families the funds they expended for school tuition.

Freedom of choice!

I strongly support House Bill 1320.



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Testimony on HB #1320 opposition

Max Laird/NDEA

In the 1999 session numerous legislative proposals were submitted to address the remaining funds in the state foundation aid program. It was then confirmed that in the future all appropriated funds would be distributed to schools through a clearly defined system. We live in an environment where declining enrollment in both public and non public schools continues and thus declining revenues continue to be an issue.

We continue for to provide a quality public school system that is available to all. Those who choose to send their children to non-public schools are welcome to do so. We must continue to respect both the constitution and the fact that all children must be provided an opportunity to get a quality public education.

There is not even a standard or means test in this legislation proposed that would pass either a constitutional question or a qualitative argument. Simply asking that non public schools receive dollars appropriated to public school meets non of these tests.

The present law says that all dollars appropriated to public schools will be spent there and I would urge the committee through a DO NOT PASS vote to continue to do so.