



**NDSBA**  
NORTH DAKOTA SCHOOL  
BOARDS ASSOCIATION

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**HB 1369**  
**Testimony of Alexis Baxley**  
**House Education Committee**  
**January 25, 2021**

Chairman Owens and members of the House Education Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. NDSBA stands in opposition to HB 1369 to the extent it seeks to divert public monies used for funding public education and divert them to non-public education entities and individuals.

Our state constitution very specifically states that the Legislative Assembly shall provide for a uniform system of free public schools throughout the state, and does not provide for the financial support of private or home education. In fact, it explicitly states that no money raised for the support of public schools of the state shall be appropriated or used for the support of any sectarian school. While I suppose we could argue that HB 1369 has found a loophole in providing the money directly to the parents or students, even that act's constitutionality is questionable. We believe North Dakota's constitution did not provide for funding non-public education for good reason.

Continuously, public school districts, their administrators and their staff are asked to do more with less. Costs associated with behavioral health, safety, staff benefits, social services, etc. continue to rise. So much so that we spent this interim studying our state's education funding formula – trying to understand how we could better provide for our public-school system with the same amount of money.

One way I am certain we cannot achieve that goal is to divert those dollars outside of the formula. While a parent certainly has the right to choose where and how they want their children educated, that choice does not and should not entitle them to the dollars provided for public education. If we begin parceling off portions of our public dollars to those who opt out of the system, we will fall short of our constitutional obligation to effectively and efficiently provide for the delivery of public education.

NDSBA urges a Do Not Pass recommendation on HB 1369, and I would be happy to stand for any questions. Thank you.