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House Education Committee
Senate Bill 2241 – March 11, 2025
Testimony of Anna Rackley, P&A Legal Team Member

Greetings Chairman and members of the House Education Committee. My name is Anna Rackley and I'm a member of the legal team at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

While P&A supports innovative approaches to education, we have concerns about how Senate Bill 2241 addresses the needs of students with disabilities. We appreciate the bill's focus on at-risk students, including those with disabilities, and its provisions for non-discrimination and compliance with federal laws like IDEA. However, we urge the committee to consider the potential unintended consequences of spreading already limited resources and services too thin.

Our primary concern is the dilution of resources and services between traditional public schools and charter schools. Specialized staff like speech therapists, occupational therapists, and special education teachers are already in high demand. If charter schools recruit these professionals away from traditional public schools, it could leave public schools understaffed and unable to adequately serve students with disabilities and other at-risk populations.

For example, a traditional public school might employ a speech therapist serving 20 students with disabilities. If a charter school opens nearby and hires that therapist, the public school may struggle to find a replacement, leading to delays or reductions in services.

Similarly, services like counseling and behavioral support are already stretched thin. Spreading these resources across charter schools could further strain the system, leaving both traditional public schools and charter schools unable to meet student needs.

A study in Pennsylvania found that charter school expansion led to significant challenges for traditional public schools in serving students with disabilities. Charter schools often enrolled fewer students with severe disabilities, leaving public schools to shoulder a disproportionate share of the responsibility. This resulted in increased costs and staffing shortages, negatively impacting service quality.

<https://www.elc-pa.org/resource/inequities-in-pennsylvanias-charter-sector-segregation-by-disability/#:~:text=Published%20in%20February%202017%2C%20this%20analysis%20explains,that%20charter%20schools%20must%20provide%20quality%20public>

To address these concerns, we recommend

- **Ensure Equitable Distribution of Resources:** Develop a funding and staffing model that ensures both charter and public schools have adequate resources.
- **Promote Collaboration:** Encourage charter and public schools to share resources like specialized staff and training programs.
- **Protect Funding for Public Schools:** Safeguard funding to prevent resource diversion and ensure quality services.

While we agree with the bill's intent to prioritize at-risk students, we urge the committee to address the potential for resource and service dilution.

Thank you for your time and consideration.

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