

I am writing to express my opposition to Senate Bill 2400. I believe this bill would have significant negative consequences for public education, fiscal responsibility, and accountability in our state.

### 1. Undermining Public Education

SB 2400 diverts essential public funds away from North Dakota's public schools, which serve the vast majority of students. Our public schools are already facing financial constraints, and shifting taxpayer dollars to private institutions would exacerbate existing resource disparities. Instead of strengthening our public school system, this bill would further undermine it by reallocating funds to nonpublic schools that are not held to the same standards of transparency and accountability.

### 2. Lack of Adequate Oversight and Accountability

The bill allows education savings accounts to be used for a wide array of expenses, including private school tuition, online programs, educational therapies, and even educational camps. However, the bill does not impose sufficient oversight to ensure these funds are used effectively or that participating schools meet the same accountability standards as public schools. Without strong safeguards, there is a significant risk of waste, fraud, and abuse.

### 3. Equity Concerns

The funding structure of the ESA program disproportionately benefits higher-income families, as students from households earning up to 500% of the federal poverty level would qualify for state funds. This structure creates a system where public tax dollars subsidize private education for families that may not need financial assistance, while lower-income students, rural students, and students with special needs may continue to struggle with access to quality education.

### 4. Constitutional and Legal Concerns

SB 2400 raises serious constitutional concerns regarding the separation of church and state. Many private schools in North Dakota are religiously affiliated, meaning public tax dollars would be funneled into religious education, potentially violating both state and federal constitutional provisions. Additionally, the bill's limited oversight raises concerns about discrimination, as private institutions are not bound by the same non-discrimination laws that apply to public schools.

### 5. Financial Burden on the State

The bill proposes an initial \$3 million appropriation to fund the ESA program, but the long-term costs are unclear. As demand for ESA funds grows, the financial burden on taxpayers could increase significantly, potentially reducing funding available for other critical public services, including healthcare, infrastructure, and public safety. Given North Dakota's budgetary constraints, we must prioritize investments that benefit all students rather than a select few.

Instead of implementing an ESA program that siphons resources from public education, I urge you and your colleagues to focus on strengthening our public school system. Investments in teacher salaries, classroom resources, special education services, and rural education infrastructure would have a far greater impact on student success than an ESA program that primarily benefits private institutions with little oversight.

For these reasons, I respectfully request that you oppose SB 2400. Thank you for your time and consideration. I look forward to your response and am happy to discuss this matter further.

Sincerely,  
Andy Bertsch  
District 5 Resident