

2025 HOUSE EDUCATION

HB 1607

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1607
2/5/2025

Relating to compulsory attendance exceptions.

8:30 a.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Private school funding
- Defunding of public education systems

8:31 a.m. Representative Heilman introduced the bill and submitted testimony. #35158

8:37 a.m. Sarah Dudley, Principal at St. Michaels Catholic School, testified in favor and submitted testimony. #34184

8:44 a.m. Marie Vetter, Parent, testified in favor and submitted testimony. #34102

8:48 a.m. Paul Belser, Parent, testified in favor.

8:56 a.m. Tina Sackett, Parent, testified in favor.

8:59 a.m. Nick Lee, Principal at St. Catherine School, testified in favor and submitted testimony. #35199

9:09 a.m. David Tamsiea, Executive Director of the ND Catholic Conference, testified in favor and submitted testimony. #34232

9:21 a.m. Amy De Kok, Executive Director NDSBA, testified in opposition and submitted testimony. #35175

9:32 a.m. Nick Archuleta, President ND united, testified in opposition and submitted testimony. #35171

9:34 a.m. Joseph Drumm, VP Grand Forks Education Association, testified in opposition and submitted testimony. #34164

9:37 a.m. Mike Heilman, ND Small Organized Schools, testified in opposition and submitted testimony. #35202

9:42 a.m. Kevin Hoherz, Legislative Relations, NDCEL, testified in opposition and submitted testimony. #35163.

Additional written testimony:

#33061, #33332, #33337, #33373, #33397, #33432, #33480, #33514, #33516,
#33549, #33556, #33580, #33597, #33639, #33718, #33772, #33776, #33795,
#33796, #33897, #33904, #33926, #33985, #34054, #34110, #34121, #34135,
#34143, #34230, #34251, #34255, #34270, #34285, #34310, #34361, #34382,
#34467, #34548, #34570, #34579, #34594, #34598, #34609, #34672, #34693,
#34728, #34801, #34808, #34826, #34844, #34917, #34956, #34987, #34995, 35046,
#35084, #35087, #35088, #35111, #35144, #35149, #35150, #35188, #35200, #35218

9:49 a.m. Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

Vote no on HB 1607

I would like to express my strong opposition to the proposed school “educational empowerment accounts.” While the intention behind these funds may be good, I believe they ultimately undermine the public education system and add to existing inequalities.

First and foremost, diverting public funds into educational empowerment accounts takes vital resources away from our public schools, which are already struggling to meet the needs of students and staff. These funds, intended for the benefit of a select few, could instead be used to improve facilities, hire and retain teachers, and provide essential services for every child in our community. Our public schools are the backbone of our community, and they deserve our unwavering support.

Additionally, the lack of accountability and oversight with these funds raises serious concerns. Without proper regulation, there is a risk that funds may be mismanaged or used for purposes that do not directly benefit students' education. Public school boards were created to oversee our school districts to account for tax payer dollars. Our children deserve a transparent and accountable system that prioritizes their learning and development.

I urge you to vote no on HB 1607. Instead, let us focus on strengthening our public education system, ensuring that every child has access to a high-quality education. Together, we can build a brighter future for all students in our state.

Thank you for your time and consideration.

Deven Mantz

Minot, ND

District 5

To whom it may concern:

I am writing in opposition to HB 1607.

This bill threatens the integrity of our public education system by using taxpayer dollars for private schools, which are not held to the same transparency, accountability, or accessibility standards as our public schools.

No matter what this bill is called—education savings accounts, scholarship programs, or otherwise—if it diverts public dollars to private schools, it is a voucher. North Dakotans have consistently opposed voucher programs, and I strongly urge you to do the same.

Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status. Our public schools are the foundation of our communities, and instead of diverting resources away from them, we should be investing in smaller class sizes, support staff, mental health resources, and competitive wages for educators.

I strongly urge you to vote NO on this voucher bill and to stand with North Dakota's students, families, and educators in preserving a strong public education system.

Thank you for your time and consideration. I appreciate your service to our state and look forward to your support in keeping public dollars in public schools.

January 31, 2025

North Dakota House Education Committee
State Capitol
Bismarck, ND 58501

RE: Endorsement of HB 1607

Dear House Education Committee:

My name is Amanda Dukart. I live in the Mandan school district, and I am a parent who has chosen to enroll my children in Christ the King Catholic Montessori School.

I support House Bill 1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support House Bill 1607, which would establish a program for state assistance in the payment of non-public school and homeschooling costs, because three of our children currently attend a private school, so this would majorly affect our family directly.

The first reason we support this bill is because we would experience first-hand the benefits of our tax dollars toward education. The second reason is because we currently make many financial sacrifices so that our children can attend a private school. We find that the sacrifice is worth the benefits, but if the bill were passed, we would also be able to save more money to help pay for our children's higher education in later years. The third reason we support HB 1607 is because we are paying tax dollars toward education, but we also reserve the right to choose a private institution that provides a religious and Montessori education.

We have seen the benefits of this approach to education in the lives of our children, forming in them independence and a love of their faith. They love their school and the freedom it provides for them to choose how they learn. I also attended the same institution as a child, so the school feels like home to us. We are grateful for a school that teaches the same exact values as what we teach our children in our home, and we get a say and are very involved in that process.

Please vote in favor of HB 1607. There are numerous great families and schools that will benefit from assistance with private education, and a financial burden will be lifted in each of their households. Thank you for your service to the state of North Dakota and for your time on HB 1607.

Sincerely,

Amanda Dukart
511 13th St. NW
Mandan, ND 58554

Testimony

02/01/2025

In support of the Bills HB1590, HB1607, HB1540, and SB2303. We, Neil and Gaylne Schweer, support these bills listed because our child attends Our Redeemer's Christian School, an approved Christian School in Minot, ND.

We are property owners in Minot, ND and have paid property taxes for the last 11 years, which some of those tax dollars go to support Public Schools.

Our child has been enrolled in Our Redeemer's Christian School for 8 of those 11 tax paying years, all of our son's education has been learned at Our Redeemer's Christian School.

My husband and I have paid full tuition for each of those 8 years for our child to attend our school of choice.

As parents, we feel the importance of our son learning in an environment that teaches and promotes our religious beliefs.

We feel our son is succeeding, and well is educated due to going to Our Redeemer's Christian School instead of public school.

I do not think it is fair treatment for the State of North Dakota, to financially support only Public Schools. Please recognize the unfair treatment of parents trying to direct the education of their children in alignment with our religious practice by providing a means of financial support to us who choose to send our children to a Christian School, as it is very important to our families.

Thank you

Neil and Gaylne Schweer

1512 11th St SE Minot, ND 58701

I am writing to express my strong support for HB 1607, which seeks to establish a program providing state assistance for families covering the costs of non-public schooling and homeschooling. As a homeschool parent, I have seen firsthand the financial commitment required to provide a high-quality education outside the public school system.

This bill recognizes the right of parents to choose the best educational environment for their children, ensuring that financial constraints do not limit those choices. Many families sacrifice greatly to provide an education that aligns with their values, learning preferences, and children's unique needs. By offering state assistance, we can help alleviate these financial burdens and empower parents to make the best decisions for their children's education.

Supporting non-public and homeschool families is an investment in educational diversity, fostering innovation and academic excellence. Furthermore, this bill upholds the principle that all families—regardless of income—should have the opportunity to access the education that best suits their children.

I urge you to support HB 1607 and advocate for its passage. Thank you for your time and dedication to ensuring that all children receive the education they deserve. I appreciate your leadership and look forward to your support of this critical legislation.

Sincerely,

Jill Rae

Hello House Education Committee,

My name is Taylor Gall. I live in District 25 and I am a parent who has chosen to enroll my child in St. Anne's Catholic School.

I support HB 1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support HB 1607 because we are trying to raise a family that follows more closely in line with our values and beliefs as Catholics. We are a family of 5 and are on a strict budget with only one person working because we believe in the value of being able to raise our kids on our own at home. We know that going to a private school isn't necessary and is our choice to attend but we feel so strongly about our kids getting the best education. To us, there is nothing better than our child coming home and talking about God and what they learned from the core values that are taught in school.

Being able to get assistance from the state from our tax dollars would help lessen the financial burden of tuition and all of the other costs that are present when attending private schools.

I urge you to vote in favor of HB 1607.

Thank you for your service to the state of North Dakota and your time on HB 1607.

Hello Education Committee,

My name is Aimee Bachmeier. I live in District 0802, and I am a parent who has chosen many different school choices for my children. I support SB 2295, SB2303, SB2400, HB 1607, HB 1590, HB 1540 school choice bills that support parent autonomy and the right to provide an education of choice for my children. Over the years, I have chosen many different methods of education for my children: private school, homeschool, and public school. Each of these choices was based on each individual child's needs and on our financial status.

For example, my oldest child was enrolled in a private elementary school. We loved the faith that was integrated in the school and the small class size, but he was severely struggling academically. At that time, we didn't feel it was the best choice to enroll him into public school. So, I left my job as an Assistant Professor at Bismarck State College and homeschooled. I homeschooled all 4 of my children for 5 years. It was very difficult financially, as we were living on one income. Due to financial constraints, we had to decline some field trips and activities, and I had to choose affordable homeschool materials. Often the materials were used and prewritten in and sometimes we would borrow materials from fellow homeschoolers. We became very creative and utilized the free resources we had in the community to help our children grow academically and spiritually. Before my eyes, I witnessed leaps and bounds in my oldest child's educational understanding. Eventually, he tested out of the IPP (IEP) program, and I no longer needed to submit my educational plan to the public schools. As he got older, he enrolled in public school. He was point one away from graduating with honors at the public school. This is a huge accomplishment! This was a child that went from barely being able to write in 7th grade to getting an A in high school and college English and is now on the dean's list at University of Mary. I cannot stress enough that parents know what is best for their child. It would have been so helpful to have the option of financial assistance while I was homeschooling and to have the support of my ND government during this time in my children's educational journey. My child's education was successful because we decided to homeschool him and pay for homeschooling using our own financial means. After we left homeschooling, we wanted to enroll our children back into private Catholic schools. However, we were on one income, and it was unaffordable. We still had small children that we were raising. We wanted our children to be raised with faith as a part of their schooling. We believe that it helps them to not only grow and learn academically but also spiritually. Because we had no choice, we enrolled them in the public school system. This is why school choice is so important to me and our family. If our ND government had supported our family with educational financial assistance and had supported school choice, then this would have opened our options and given us more autonomy in making decisions that we feel would be best for our children. Instead, we had no choice but to send our older children to the public school system. Currently, our two younger elementary age children go to the private Catholic school, and we are enduring a financial burden because we made the choice to send our children to Catholic schools. I should be able to use the money I pay for taxes to send my children to the school of choice.

I urge you to vote in favor of these bills SB 2295, SB2303, SB2400, HB 1607, HB 1590, HB 1540. Thank you for your service to the state of North Dakota and for your time on the Senate Educational Committee.

Sincerely,
Aimee Bachmeier

Hello Senate Education Committee,

My name is Chris Ahlers and I live in the Fargo public schools district. I am a parent who has chosen to enroll all five my in the St. John Paul II Catholic Schools network.

I support HB1607 and I am in support of all school choice bills that help create parent autonomy and the right to provide an education for my child. I support HB1607 because sending my children to a private schools gives them something more than what they could get at a public school. It is not my perspective that North Dakota has inadequate public schools but instead private schools can provide something above and beyond what public schools can provide and that is something my wife and I *choose* to provide for our children.

In 2024, US News and World Report ranked the states and unfortunately we have the lowest overall education ranking in the four state area. Definitely room for improvement.

[Source: <https://www.usnews.com/news/best-states/rankings/education>]:

- North Dakota as #28 in education (#34 in Pre-K - 12 and #12 in higher education)
- South Dakota was #15 in education (#29 in Pre-K - 12 and #7 in higher education)
- Minnesota was #17 in education (#17 in Pre-K - 12 and #18 in higher education)
- Montana was #22 in education (#27 in Pre-K - 12 and #16 in higher education)

We all value choice in our daily lives and where we put our money and our time is how we "vote" for the choice we make. As parents, we want a different education for our children. We desire to have our Christian values woven into their daily instruction and education. We desire the opportunity to make that choice and a voice to choose and we wish more families had the same opportunity to make that choice without significant financial burdens.

I urge you to vote in favor of HB1607 and to give parents a voice and the opportunity to make the choice that they feel is best for their children.

Thank you for your service to the state of North Dakota and your time on HB1607.

Chris Ahlers
Fargo, ND

Members of the House Education Committee,

I am Brenda Seehafer, an elementary Title I reading and math teacher from Rolla, ND. I am asking you to oppose the following three bills: HB 1540, HB 1590, and HB 1607. All three of these bills relate to educational savings accounts.

Public dollars belong in public schools, which is the bottom line of my opposition to these bills. Private schools are just not held to the same transparency, accountability, or accessibility standards as our public schools; private schools don't have to take **all** students. Private school vouchers/educational savings accounts do not save taxpayers money and have resulted in multi-million-dollar deficits and tax increases in places like Arizona. Only 17 of our 53 counties or about 32% of North Dakota counties have access to a private school, so why would we do this? Why should rural North Dakotans foot the bill to send city kids to private schools, because that is just what these bills do to rural North Dakotans.

I am asking you to oppose HB 1540, HB 1590, and HB 1607. Don't use our public dollars on vouchers or educational savings accounts because that is not what North Dakota needs or wants.

Hello House Education Committee,

My name is Reed Mesman. I live in District 3 and my wife and I have chosen to enroll our children in the Our Redeemer's Christian Christian School in Minot, ND. I support this bill, and I am in support of all school choice bills that support parent autonomy and the right to provide an education for my children. I support this bill because I have strong beliefs, values, and morals in not only my faith and religion but also our individual rights as parents in our personal responsibility for the raising and upbringing of our own children however parents seem fit. My wife and I both grew up and attended private Christian schools from K-12. Our parents did not have much money back then but believed so strongly in the kind of faith-based education we received that they made great financial sacrifices for us. My wife and I feel this way as well and choose to do the same with our children. It's not that we don't like or that we disagree with the public school system, rather it is about the choice to choose the education system for our children that we deem best when we have the option available. I believe as North Dakotans we all share these God-given rights and beliefs in our hearts and the same care about our children. This is not always an easy choice as it comes with a great financial burden. Not only do we pay for private education for our children but we also pay taxes for the local public school system, which we do not benefit at all from. In this sense we pay double for our choice, but we have no say in the matter of where our tax money goes. As tax payers, we would like to see our tax money benefit our own children as well and the school system they are part of.

I greatly urge you to vote in favor of this bill. Thank you for your service to the great State of North Dakota and your time and dedication to this bill.

Sincerely, Reed & Carrie Mesman



Testimony in Support of House Bill 1607

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
February 5, 2025

Dear Chairman Heinert and honorable members of the House Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1607 and respectfully requests that you render a DO PASS on this bill.

Educational options are in high demand nationwide as parents seek out the best opportunities for their children. There are now 34 states and territories that currently offer some type of school choice program¹, and we would love for North Dakota to join those ranks. Educational Savings Accounts (ESAs) and similar programs are some of the most popular types of school choice options because they offer families more educational flexibility through state financial support.

This bill would provide a state grant to families who choose not to enroll their students in public school. The funding could be used towards an array of qualified educational expenses. We are pleased that this covers many student scenarios and provides a financial benefit to families who utilize options outside the public school system.

We strongly support this type of program in North Dakota, because it gives families more options as they consider the best educational fit for their children, their child's most effective learning techniques, and specific circumstances. In addition, a school choice option such as this allows families to consider more educational choices than may have been possible on their own income alone.

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you vote House Bill 1607 out of committee with a DO PASS recommendation.

¹ <https://excelinedinaction.org/2025/01/07/the-rise-of-eas-continues-10-states-take-action-on-school-choice-in-2024>

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

Hello House Education Committee,

My name is Chantelle Woodbury. I live in District 8 and I am a parent who has chosen to enroll my children in St. Mary's Catholic School. I support HB1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my children. I support HB1607 because while I have been fortunate enough to be able to afford to send my children to the school of my choice I have friends and family members who have not been so lucky. My niece recently was having problems with bullies at her local public school which led my brother to look into the local private school but it was not an option financially for his family. Please put children first in our state by opening up more options for families so our children can receive the best education possible. I urge you to vote in favor of SB2303. Thank you for your service to the state of North Dakota and your time on HB1607.

Chair Owens and the members of the House Education Committee,

My name is Melissa Buchhop and I am a 4th grade teacher in the Grand Forks Public Schools. I urge a DO NOT PASS on HB 1607. No matter what these bills are called—education savings accounts, scholarship programs, or otherwise—if they divert public dollars to private schools, they are vouchers. Public funds should NOT be going to private schools. Taxpayer money is for public entities.

As a taxpayer, I pay for public parks and our local park district in Grand Forks. As a parent I can decide that I don't want to take my child(ren) to the public park and instead put up a playset in my yard. This does not mean that I now get to ask for public funds to fund my playset because I am not using the public parks. The same goes for schools. I can choose to send my child to private school or homeschool, but I do not and should not get tax money to pay for that private school or to homeschool.

Private schools don't have to follow the same rules as public schools, they can choose to reject students based on disability or socioeconomic status. Public dollars should be used to strengthen our public schools (our teachers, support staff, mental health resources, and students), which are for everybody, not to subsidize private institutions that serve only a few. We need the legislature to invest in public education, not dismantle it.

Thank you for your time and consideration.

Sincerely,
Melissa Buchhop

February 3rd, 2025

Chair Heinert and members of the House Education Committee,

My name is Samantha Harrison, a current resident of Mandan and former public school teacher. I am writing to you to urge a “Do Not Pass” recommendation and a “No” vote on HB 1607.

This testimony will, exhaustingly, mirror testimony I am submitting for five other bills that have been introduced this session. No matter what they are called, education savings accounts, scholarships, or tax credits—if they take money from public schools and funnel it to private institutions, they are vouchers, and I and other public educators current, former, and future vehemently oppose them.

The purpose of the public school system is to serve every child, regardless of income, ability, or background. Private and religious schools are not held to the same standards, and as a taxpayer in North Dakota, I oppose my tax dollars being used to support private education in any way. The State should be investing in the public school system, rather than be complicit in funnelling money away from it.

I urge a “Do Not Pass” recommendation from the committee and a “No” vote on the floor on HB 1607.

Sincerely,

Samantha K. Harrison
District 34

Chairman Heinert and members of the Education Committee,

My name is Jeff Ringstad, I am the school administrator at Our Redeemer's Christian School

I would like to provide testimony regarding two common arguments from our opposition when it comes to providing state support for parental choice in education. We commonly hear that it is not fair if we do not admit every student that wishes to attend our schools, and if state funding is made available to private schools the accountability should be the same as public schools.

Admissions

As a Christian non-public school, I am often asked about how we admit students. Must families meet certain criteria in order to receive an invitation? This question is easier to answer from a standpoint of what would disqualify a family.

1. Faith is our primary reason for denying families. If families intend to enroll students, but cannot offer any applicable testimony, no church home, or actively oppose Christian ideals – they are denied. The mission of our school really focuses on two key areas: knowing each student so that we can challenge each according to their abilities with a level of rigor that will spur educational growth, and to share the Gospel every day to spur spiritual growth.
2. Available space. Just as a public school can and will deny open enrolled students once the physical space has all been utilized. Non-publics do not have a defined district and thus may deny admission once a class is full.

The truth for us is that over 80% of our revenue comes from collection of tuition. It is our goal to have a full school of tuition paying families. We have students that are denied, but this is a very small number.

A common misconception that I hear from families interested in attending my school are that students with disabilities are not admitted. We admit many students with disabilities, but because we do not receive state funding we are limited in resources and ability to meet the needs of all students. In certain rare cases, we have shared with parents that a public school would be capable of offering additional needed services that would be best for the child. We have students with learning disabilities, physical disabilities, students on the autism spectrum, and a wide range of learners.

Once we have admitted students, they are our students, and we exhaust our resources to find a successful outcome. I ask that the state of North Dakota take the same viewpoint. The students at Our Redeemer's Christian School are North Dakota students in which families have made the choice to pay tuition. Our request is simple, provide the financial support to educate all students residing in North Dakota. This bill requests a modest dollar amount, much less than what public schools receive via state aide.

Accountability

North Dakota public schools have different measures of accountability than non-public schools. Public school leaders point to the differences in open meeting laws and school board century code, being accountable to the state within their budgets, and student test scores. Non-public schools are not part of these same accountability standards, but we are held to a different standard. The families that are willing to make a financial investment in their child's K-12 education hold the school very accountable. Our parents are also our customers, and there are very high expectations that are communicated daily. Our school is held accountable by 175 parents that are very aware of what is happening within the school at all times.

Summary

We are different than public schools because of faith and funding. We are similar to public schools in that we are educating students and preparing them for the world after high school. Our teachers are licensed through the ESPB the same way public school teachers are licensed. Our students are assessed and found to be learning at expected rates. Our Redeemer's Christian School has been successful without state funding, but this bill is not for the school. This bill is right move for the families desiring a choice in education and supporting the education of every ND student.

Respectfully,

Jeff Ringstad
School Administrator
Our Redeemer's Christian School
Minot, ND
701-797-7118 (cell)

ND House Education Committee:

My name is Amber. I live in District 7 and I am a parent who has chosen to enroll my children in Light of Christ Catholic Schools. Thank you for taking the time to read my comments and for studying HB 1607!

I support HB 1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support HB 1607 because I believe parents should have another option if they know government/public school is not a safe place for their children to be taught.

I wish I could say religion is what initially made us chose Catholic school, but it was truly fear of what has engulfed public schools. I can't say choosing to pay for private school is easy! It is a tremendous financial undertaking! But as a parent, protecting your children is your top priority.

There are many terrifying things in our government schools today that where not there when us older generations went to school. Phones and all that comes with them, homosexual pornographic books in the libraries, gender confusion- boys in the girls' bathrooms and girl sports and kids identifying as animals and using strange pronouns, mental instability in peers, indoctrination to hate our Country, teaching white guilt/privilege, pushing equity instead of equality, many are not able to speak English, and drugs to name a few most concerning to me. These are the reasons I knew I didn't want my children in the government school environment.

My husband has a background in Law Enforcement. Conversations with youth officers are what led him to favor a private school for our children. School Resource Officers have said they see less crime in the private schools, also kids' "innocence" seems last longer in the private schools. They just stay kids a little longer. This was another rationale that drove us to look elsewhere from government education.

There is a reason many school choice bills are passing in states around our Country. Something in our government schools is broken. Kids are not as safe. Kids test scores are declining rapidly, many cannot even read. And our youth has never been this depressed and mentally ill. I am afraid government schools are more influenced by the teacher union interests than that of students and parents. I believe the unions are what drives the hostility to school choice bills. Because if you really want what is best for each child, wouldn't you be more than happy to see them at the school that is going to bring out their full potential, not just the school government-assigned to them down the street? Since we started at our Catholic school, I have seen the class sizes grow in just a few short years. More and more parents are taking the better option for their kids' education.

I wanted to point out there are many more reasons than only religion as to why parents may want to choose a nonpublic school. I firmly believe parents know what is best for their children, not the State or teacher unions. Which is why I believe it is important to support parents' fundamental right to do what they know is best for their children. Bill 1607 will help more parents do what's best no matter their finances.

Thank you very much for your service to the state of North Dakota doing what is best for our state's future generations. I urge you to support HB 1607.

Written Testimony of Nick Amb
Elementary Principal
Walhalla, ND 58282

HB 1607 will result in unparalleled harm to the system of public education the legislature is constitutionally bound to support.

I am opposed to this bill. Our state constitution is extremely clear—your responsibility is to fund PUBLIC education. It goes on in Article X Section 18 of our constitution:

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

As a citizen of this state, a taxpayer, and an educator, I must voice my clear and unequivocal opposition to this bill. Moreover, every representative and senator who votes for this bill is abdicating the oath they took to uphold our state and US Constitution.

This will result in direct, expensive legal action.

The money would be better spent funding our already amazing public schools.

Remember, we take care of 90% of our state’s students. Other entities have NO accountability measures, and are free to turn away any student that they deem too much trouble to work with.

No public money should be expended in any sort of a voucher scheme to bleed our public schools.

Respectfully,

Nick Amb
Walhalla, ND 58282

February 3, 2025

Written testimony against ESA and EEA:

To Whom it may concern:

As a public school superintendent, I have some concerns over upcoming bills establishing various EDA and EEA to support families enrolling students in non-public or home schooling programs.

1. My first concern regards oversight. As a public school, we have many state laws we must follow and much data to report to the state. As is appropriate, there is a significant amount of oversight as to how we spend public money and can show student accountability. Private schools, charter schools, and home schooling lacks this oversight. This does not seem fiscally responsible or fair.

Indeed, I have had inquiries about enrolling former home schooled students in my school district where the parents have stated that they actually did NO schooling for several years. Under the current system, home schooling parents have no requirements to prove that their children are receiving an education. They can take the state exams but may also choose to opt out. Will the state hand out money to families without making sure that it is used toward education? How will the home-schooled families demonstrate that the funds were used appropriately?

Should the legislature approve any of these measures, the entities receiving the funding should be subjected to the same oversight that public schools work under.

2. My second concern regards equity. Private schools and, I presume, charter schools if passed, are generally located or will be located in the large cities of ND and therefore not available to rural students. Some private schools may set up a virtual academy, but I can tell you from much experience, that many students do not do well under this learning model. It would have limited appeal.

Also concerning equity is that private school may select which students to accept. They can choose to accept only the highest-performing students while denying entry to students with greater (and more expensive) needs. Public school, by law, must educate ALL students regardless of cost.

Will providing money to private, charter, and home-schooled families reduce the amount of money available to fund public schools, who provide the most equitable education by accepting and educating ALL students? Will it take away funding from rural schools, who already struggle with less funding (because of fewer students) and less access to services? If so, this would hardly be considered increase equity for our ND students.

3. Is providing public funding to religious-based schools legal? Are we violating ND Century Code?

To whom it may concern:

This bill would greatly help our family. We believe our children need to incorporate their faith into their every day lives. They have teachers and friends that work with them and spend time with them and learn together at their schools each and every day. We need to send them to these schools because this is where they learn the best and where they learn what our family wants them to learn and HOW our family wants them to learn. It is very important to us that we educate our children in these ways and at these schools. We have 4 children not attending the public schools in Bismarck/Mandan, they are all at private schools for many reasons, and this is important to our family. We would greatly appreciate this bill helping us best educate our children in the ways we need to for in household.

Thank you.

Sincerely,

Laura Gardner

Mandan, ND

Dear ND legislators & reps.,

My name Jacqueline Kraft from Devils Lake, mom of 3, & parish member of St. Joseph Catholic Church. This letter is a testimony in response of the request of passing of a school choice bills. I have chosen for my kids to go to Catholic school for the education and values that they learn there. Yes teaches about Bible & theology, but it is much more than that. The school fosters real core beliefs that any child should learn, whether catholic or not. I see the excitement in my kids when they master the weekly virtue and receive a VIP sticker. What they learn is of course English, math, and normal elementary/middle school curriculum but so much more. My 15yr. Decided to stay for 7th-8th grade instead of going to public school for middle school. Please don't get me wrong, there is nothing wrong with public school & went my entire life and turned out perfectly good. Well educated and a good community member, but could've had a more if i went to my kids Catholic school. I know with what my kids have & will continue to be provided I would look for ways to continue to stay even if my husband wasn't the part time teacher. The bill passing could help funding the current school, to bring in others who would love to send but can be costly & unable to. There are even programs & talking to the principal & father to help if this is a parents choice, no one should be denied this benefit/school education. I have paid taxes since 16 yrs old & believe we live where our voices can be heard. The school is also like a family, getting all done required & really caring about our kids. I have never regretted sending my kids to Catholic school & as soon as the two youngest were ready was excited to start their school career & yes learn about our family values & our God almighty. The bill could also let us continue to send our kids there. We are a family of 5 and middle class, so keeping costs lower is best for us & the community. Please consider this in your decision, since this a yet another bill for the session but passing could impact lives, of myself & others.

Thank you for reading & taking time to listen to my voice among many.

Sincerely,

 Jacqueline Kraft

Subject: Oppose Educational Savings Accounts – Protect Public Education

Dear House Education Committee

I urge you to oppose any legislation promoting Educational Savings Accounts (ESAs), which funnel taxpayer dollars away from public schools under the misleading promise of “school choice.” These programs weaken our education system by diverting funds to private institutions, often with little accountability or oversight.

Public dollars should stay in public schools. ESAs primarily benefit families who can already afford alternative education options while leaving behind the vast majority of students who rely on well-funded public schools. Instead of improving education, ESAs create a two-tiered system that drains resources from the very institutions that serve most children. Most rural district students do not have the option to attend a private institution due to the travel involved to commute to a more rural community.

Rather than propping up private and unregulated education programs with public money, we should focus on strengthening our public schools—hiring more teachers, reducing class sizes, and improving resources. Every child deserves access to a strong public education, not a system where only a select few get the best opportunities.

I urge you to stand against ESA expansion and protect public education for all students.

Sincerely,

Steven Heim

Dear House Education Committee,

I am writing to express my strong opposition to HB 1607. Regardless of the name given to these initiatives—whether education savings accounts, scholarships, or tax credits—if they divert funds from our public schools to private institutions, they are effectively vouchers. This is a dangerous path that threatens the integrity of our public education system, which is designed to serve every child, regardless of their ability, income, or background.

Instead of funneling public dollars to private schools that lack the same standards of accountability and accessibility, we should focus on investing in our public schools. Our educators, support staff, mental health resources, and students deserve our support and funding. This investment is crucial for maintaining a robust educational environment that benefits all children in our community.

I urge you to reconsider the implications of HB 1607 and to prioritize our public education system. The future of our children and the strength of our community depend on it.

Thank you for your attention to this critical issue. VOTE NO on HB 1607.

Sincerely,
Matt Liebel

From: [Frank Schill](#)
To: [Randazzo, Addison](#) - HTechClerk3 - HEDU - HNAT
Subject: HB1607
Date: Monday, February 3, 2025 9:45:56 AM

You don't often get email from frank.schill@k12.nd.us. [Learn why this is important](#)

Testimony House Bill 1607

February 5, 2025 – 8:30 AM

House Education Committee

By Dr. Frank Schill Superintendent of Edmore Public School

Chairman Heinert and Members of the House Education Committee:

My name is Dr. Frank Schill, and I serve as the Superintendent of the Edmore Public School District. In addition to this role, I am a board member of the NDASA Legislative Focus Group and the North Dakota Small Organized Schools Organization. I am here today to voice my strong opposition to House Bill 1607, which proposes the implementation of an education empowerment account for K-12 students in North Dakota. This bill would allocate funds to families with children attending private schools.

This bill stands in clear violation of the North Dakota State Constitution:

- Article VIII, Section 5 states, “No money raised for the support of public schools shall be appropriated or used for the support of any sectarian school.”
- Article X, Section 18 states, “Neither the state nor any political subdivision thereof shall make any direct or indirect appropriation or payment from any public fund ... in aid of any sectarian school, or for any other sectarian purpose ...”

It is important to note that only 7,500 students in North Dakota attend private schools or are homeschooled, compared to the 115,000 students who are enrolled in our public schools. Redirecting public funds to such a small minority undermines the robust public education system that serves the vast majority of our children.

On a personal note, my parents chose to send me to private school through the 6th grade. At no point did they expect or consider using public funds to cover my private tuition. Similarly, I made the decision to send my son to a private school through 8th grade, fully understanding and accepting that it was not appropriate to rely on taxpayer dollars to subsidize his education.

If HB1607 becomes law, I am confident that it will prompt a constitutional challenge brought forth by the taxpayers of North Dakota. I am equally confident that such a measure would be overwhelmingly rejected by our citizens. Therefore, I urge you to save both time and resources by voting “NO” on HB1607.

North Dakota boasts an excellent public education system, deeply rooted in the principle of “Local Control.” Parents seeking changes within their schools should engage in the democratic process at the local level by attending school board meetings. If they feel their voices are not being heard, they have the power to rally their communities and elect school board members who better represent their concerns.

I believe HB1607 is a direct result of some parents choosing not to engage at the local level

of governance. Instead of valuing the role of the local school board and the institution of public education, they are attempting to bypass this process by appealing to the state.

For the integrity of our public education system and the democratic processes that support it, I strongly urge you to vote "NO" on HB1607.

If you have any questions, I am available at 701-520-9674.

Thank you for your dedication and service to our great state.

Dr. Frank Schill

To Whom It May Concern,

Passing this bill is crucial for the future of North Dakota, as it prioritizes the importance of education in shaping both the present and future of our state. By supporting this bill, we ensure that our education system adapts to the evolving needs of students and provides them with the tools they need to succeed in a rapidly changing world. Strong, forward-thinking education policies today will empower our children to become the leaders, innovators, and problem-solvers of tomorrow, securing a brighter future for all of North Dakota.

Sincerely,

Rachel Pankratz

Hello House Education Committee,

My name is Marie Vetter. I live in District 18 and I am a parent who has chosen to enroll my children in St. Michael's Catholic School.

I support HB 1607, but I am also in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support HB 1607

In voicing my support of HB 1607, I'll be direct: this isn't just about policy—it's about our children and our constitutional rights as parents.

My husband and I are in the midst of raising ten children, all of whom are, of course, unique with varying gifts and struggles. Tim is employed in our community as a public servant; I work three jobs as well as operating my own business. We're not looking for handouts; we're looking for equity in how our education dollars are allocated.

I'll share briefly about our journey. We started in public schools, and I do want to acknowledge the dedicated teachers and staff at those establishments. These educators tried their best, but eventually, we faced a reality that many parents understand: sometimes, even good schools can't meet every child's needs. When we identified specific challenges our children were facing, we made the difficult decision to homeschool. This allowed us to adjust the pace of learning for each child—something that's nearly impossible in a one-size-fits-all system.

Today, just one of our children is homeschooled, and 5 of our children attend Catholic School, where we've finally found the partnership in education we've been seeking. The support our children receive there is exactly what they need. While we have made it work to hold on to this educational experience, there's something that still feels so unjust: we shouldn't have to work multiple jobs just to access an education that works for our children. These are our tax dollars, meant for our children's education, yet we're effectively paying twice—once through taxes and again through tuition.

This isn't about private versus public education. It's about recognizing that parents know their children best and should have the financial freedom to choose the educational environment that will help their children thrive. The Constitution guarantees our right to direct our children's education, but without school choice, this right becomes a privilege only available to those who can afford it.

I'm not asking for a favor, here. Please don't view this as some sort of special request you'll consider granting out of benevolence. It's quite simple; education dollars are for education or they are not, and I'm asking for our legislature to acknowledge that education dollars should follow the child, not the system. When we talk about school choice, we're talking about trusting parents to make informed decisions about their children's futures. We're talking about acknowledging that different children learn differently, and respond better in certain environments over others, and that's okay.

Our family's story—working multiple jobs, making sacrifices, constantly adjusting to meet our children's educational needs—shouldn't be the norm. School choice legislation would mean that families like ours wouldn't have to struggle to pay bills and provide the education their children need.

This isn't just about my family. It's about every North Dakota family who deserves the right to choose the best educational path for their children, regardless of their income level or zip code. The time for school choice in North Dakota isn't just now—it's overdue.

I urge you to vote in favor of HB 1607.

Thank you for your service to the state of North Dakota and your time on HB 1607

Respectfully,

Marie Vetter

Hello House/Senate Education Committee,

My name is Alexis Scott. I live in District 6 and I am a parent who has chosen to enroll my child(ren) in John Paul II Catholic School(s).

I support HB 1607 , but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support 1607 because as a parent of high school age to kindergarten I no longer felt after COVID my children's educational needs were met. A few examples on why I chose to remove my children from public school:

1. **Lack of Academic Progress Transparency** – For years, I struggled to get meaningful academic updates from my children's public school teachers. My 4th grader fell behind in math without any notification, and when I inquired, teachers couldn't specify his struggles or offer additional support. Requests for extra homework were dismissed, leaving me helpless in guiding his progress. After switching to Catholic schools, I experienced a complete shift—weekly grade updates, prompt responses to questions, and immediate academic support. I finally felt engaged in my child's education again rather than shut out of the process.
2. **Effective Reading Support** – My child struggled with reading throughout 1st grade, receiving school-provided reading support with little improvement—managing only 7 WPM at 50% accuracy by year's end. Upon transferring to JP2, he received consistent, individualized 1:1 instruction. By the end of the year, he was reading 86 WPM with over 95% accuracy. The tailored support not only accelerated his progress but also built his confidence and love for learning in a way I hadn't seen before.
3. **Middle School Environment & Academic Expectations** – My oldest child's public middle school experience was chaotic—regular fights, constant classroom disruptions, and an overall apathy toward learning. At Discovery Middle School, there were no classroom controls, no cell phone policies, and no clear academic expectations. Despite being labeled “nice” and “easy to work with,” he struggled to write a basic paragraph. In contrast, his first day at JP2 was “the best first day of school ever.” The school fostered respect, discipline, and high academic standards in a safe, structured environment. By year's end, he proudly handed me a three-page essay, amazed at his own progress. The transformation in confidence, learning, and overall well-being has completely changed our family's experience with education.

I support school choice because it allows my family to thrive in an education system that is supportive, engaging, and exceeding our expectations. It would ease our financial burden and make quality education accessible without sacrificing our financial stability. We have taken extra jobs, cut expenses, and relied on scholarships to provide this opportunity—something families shouldn't have to do to ensure a strong education. Every child deserves access to a school that meets their needs, and our tax dollars should support families in making that choice.

I urge you to vote in favor of HB 1607.

Thank you for your service to the state of North Dakota and your time on HB 1607.

Regards,

Alexis Scott

Hello House Education Committee,

My name is Liz Hoffner, we live in the Grand Forks school district. I am the proud mother of two boys who attend Holy Family-St. Mary's School in Grand Forks. I support HB1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my children.

Our journey into Catholic education began when our eldest son was preparing to enter kindergarten. At the time, he was very shy and uncomfortable in large group settings. Although we live just two blocks from an excellent public elementary school, we knew that its large class sizes and multiple sections per grade would not provide the nurturing start he needed. We wanted him to feel comfortable, confident, and supported—something that simply didn't seem possible in a large public-school setting.

As parishioners at HFSM, we began exploring other educational options. When we toured the school, we were warmly welcomed by older students who eagerly shared what they loved about being part of HFSM. We met with the principal, spoke with other families, and immediately knew this was the right place for our children. From the moment we stepped inside, we felt at home. The love, passion, and dedication of the teachers and students were undeniable. HFSM is more than just a school—it's a community that nurtures not only academic excellence but also the whole child: mind, body, and soul.

At HFSM, students are held to a high moral standard through a faith-based approach to education, creating a warm, inclusive environment where every child is valued. They learn respect—for themselves, their peers, and their teachers—rooted in the belief that each of them is perfectly created and deeply loved by God. This atmosphere of acceptance and encouragement has transformed my once-shy kindergartener into a confident and outgoing fifth grader.

Beyond academics, HFSM instills a spirit of service and leadership. Students actively participate in community service, from raising funds for local charities and disaster relief to organizing food drives and forming meaningful connections as pen pals with elderly parishioners. They also develop leadership and teamwork skills by leading weekly Mass through readings, music, and altar serving.

Choosing HFSM for our children has been one of the greatest blessings of our lives. However, this decision has required financial sacrifices—sacrifices that many families may not be able to make. I truly believe that every family should have the ability to choose the best educational environment for their children, regardless of financial constraints. It's time to empower families with school choice, ensuring that every child has access to an education that meets their unique needs and helps them thrive.

I urge you to vote in favor of HB1607. Thank you for your service to the state of North Dakota and your time on HB1607.

Sincerely,

Liz Hoffner and Family

February 3, 2025

North Dakota Senate Education Committee

State Capitol

Bismarck, ND 58501

RE: Endorsement of HB 1607

Dear House Education Committee,

My name is Rebecca Obrigewitch, and I live in District 32. As a parent, I have chosen to enroll my children in a local private school.

I support House Bill 1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my child. Our children's enrollment in the school has been an incredibly positive experience. I firmly believe that all parents should have the opportunity to choose the educational experience for their children that aligns with their faith, values, and educational priorities. This bill's financial impact would be a great benefit.

I urge you to vote in favor of House Bill 1607.

Thank you for your service to the state of North Dakota and your time on House Bill 1607.

Sincerely,

Rebecca Obrigewitch

Dear Legislators,

I am adamantly opposed to all the school choice bills introduced into the house and senate.

Let me start by saying my kids all went to Catholic Schools, fourth generation. However, like the rest of the community, everybody has the choice right now to send their kids to the school of their choice within their district, and neighborhood. We did. I disagree with sending our kids to catholic school as a "SACRIFICE." We all did this willingly. Nobody made me sacrifice or give my jewelry for the war effort etc. If we did not want to send our kids to a non-public school, we would not have. Introducing funding for school choice will not increase enrollment nor sway more to go to these schools. We thought at the time it was the best choice. In the end, it was not and our kids suffered consequences due to the closed, limited, and strangulated academic environment non-public schools offer.

Let's keep one fact in mind. Just because you have a small population in or want this choice, does not mean you burden the entire population with a tax burden that offers a solution to a problem that does not exist. Public schools are excellent places for our kids to learn, have many resources to aid the ones that need help and offer lots of courses, a breadth of technical and skilled opportunities and extra-curricular activities.

Here are a few points why I am against the bill. Kids that need IEP's don't get that at non-public schools, they get pushed out of the system and forced into public schools. So honestly, this is not the best learning environment for our children in this community. Also, our kids miss out on good sports facilities, shop class or other curriculum that the non-public schools don't offer that is offered in public schools. AP courses are not fully offered at the JPIL schools in the breadth that public schools get them. So, I respectfully disagree with any statement or making a statement to others, that non-public schools are the best learning environment. Ask me how I know. I went to public school, a small Christian school with 8 students in my class and a large Catholic high school growing up. I know the differences and cultures of them all.

I already appreciated having the choice, I did not "need" it and if I did, it was freely, freely, let me say that again, freely available for my choice.

Non-public schools do not build a great culture, unless you want a focused, one track hostile to non-loyalist environment that you expose your children. Our kids experience has turned them away from their faith. Out of the multiple siblings, my spouse is the only one to send kids to a non public school. Others I have talked to who went to non-public schools growing up did not send their kids there. There is a reason the church is fighting so hard to get this, they think it will bring more into the fold. It won't.

On several occasions, all my kids have experienced a negative culture for one reason or another. Let me give you one example of when a fellow student took a picture of my daughter's crotch. The school did nothing. My daughter lives with that "culture" in her

memory. I am also hearing this from other parents on how their kids are being treated and the school is not working to resolve these "cultural" issues. I even heard recently that kids were doing the Hitler salute and joking about it, far too frequently. As a child of a parent that was raised in Nazi occupied Europe, I find this disturbing. This is not a culture I would expect in a Christian school. The cultures these non-public schools are building is not one that brings a community together, but is rather ripping it apart.

Let me speak to the Executive order. No, I don't want my taxes to be diverted from CCDGB or my military funds paying for school choice when I want them to defend my borders or our NATO partners. House Bill 1670 will cost the state up to 3.8 million dollars initially. I don't agree with that. Let's pay for school lunches and breakfasts first. House Bill 1590 lays out another expense to all taxpayers in this state, to match up to 50% of a contribution (full allowable contribution to be \$2000) per year. HB 1540 looks to add another 1/4 million dollars to the bill. Home school and non-public schools, again those that have chosen it, have that choice freely and I don't want to pay for it on top of supporting public schools.

SB 2295 seems to add another multiplier to my local tax bill for the kids that go to non-public schools...? So, now the formula for my taxes increases even more at the local level too. Why, to pay for the non-public school enrollees. I understand the school district is required to forward that to the schools, but I don't want to pay for a faith-based school system with my taxes. I don't expect my non-faith-based neighbors to pay for my kids faith-based education. This is not right. SB 2303 is just the same as the house bill and I disagree with it as well.

Here is what I would support. Take money out of the mills for public schools and put them into programs that can show they meet or exceed the standards, curriculum offerings and provide a loving and accepting culture to all children, IEP kids, to kids struggling at home e.g. provide counselling services like the public schools have. Secondly, all the funds the non-public schools bring in, should be shared back to the public schools. And if my non-public school choice now gets dollars received through taxation, they should meet all grant stipulations that are required under all state and or federal grants. But moreover, if non-public schools get dollars received from my tax dollars, all non-public schools receiving them should then be taxed on their revenues and lose their tax-exempt status.

In summary, I am opposed to these bills. These proposed bills bring more burden to all residents in this state in the form of more taxes, wasteful spending and a solution to a problem that does not exist.

Sincerely,

Pierre Freeman
2823 36th Ave S
Fargo Nd 58104



To Whom it may concern;

My name is Joe Drumm. I'm reaching out in opposition to HB 1607, a bill which takes public dollars and moves those funds to support private schools (otherwise commonly known as vouchers).

Most conversations involving education from my perspective revolve around state funding and the need for increases. Most observing the state and national educational scene agree that we are in the midst of a recruitment and retainment crisis in public education. Many colleges and institutions that traditionally produce teachers are reporting a lack of candidates interested in or graduating from their programs.

Locally to my district, UND acts as a litmus in the state of education in North Dakota. In the 2011-12 school year, UND reported 823 enrollees in their school of Education and Human development, 5.6% of their total enrollment. This last academic year, UND reported 607 enrollees in the same school, 4.28% of total enrollment**. This drop isn't atypical, and has drawn national attention as schools and districts scramble to deal with the fallout of these decreases in enrollment.

Positions are left vacant for months at a time with few to any qualified candidates applying for the position. At a local and national level, it's becoming harder and harder to find people who are willing to do the work and commit the time required to work in this profession.*** As of 2024, at least 27 governors have called for legislative action to address the sinking number of teachers seeking to enter the field*. These shortages aren't specific to Red or Blue states, and are impacting the country on a fairly consistent trend.

And yet, here we are, arguing if moving money out of public education is the correct way to address this issue. When viewed from this perspective, the entire conversation becomes almost comically nonsensical. In the midst of a crisis, it makes little sense to further expound the problems that add to the severity of the crisis. In other words, it's equivalent to pouring water into a sinking boat. Working to draw funding down from an already struggling and critically important sector solves nothing and draws the problem out, forcing further emergency measures that hurt schools and hurt the public good. Only 32% of North Dakota counties have access to a private school. 2 out of 3 North Dakotan families wouldn't benefit from this sort of legislation in any meaningful way.

I strongly urge a Do Not Pass recommendation on these bills in committee. Pulling public funding to private entities solves nothing and directly hurts North Dakotans.

Thank you for your time,
Joe Drumm



Sources:

* <https://www.nga.org/news/commentary/state-education-trends-for-2024/>

** <https://und.edu/analytics-and-planning/data-and-reports/2024.html>

*** <https://www.inforum.com/news/north-dakota/north-dakotas-teacher-shortage-creating-imminent-peril-as-board-seeks-emergency-rule>

Dear Members of the House Education Committee,

Thank you for allowing me to address you today. My name is Sara Dudley, and I am the principal at St. Michael's Catholic School in Grand Forks. I am here to advocate for school choice and to dispel some common misconceptions regarding non-public schools.

1. Accessibility for All Families:

One of the most pervasive falsehoods is that non-public schools are only for the wealthy. At St. Michael's Catholic School, 28% of our student population is enrolled in the Free and Reduced Lunch Program. This statistic highlights that our school is accessible to families from various economic backgrounds. School choice allows families, regardless of their financial situation, to select an education that they believe will best serve their children. It is crucial that we continue to support policies that enable all families to access quality education and empower parents.

2. Serving Students with Disabilities:

Another misconception is that non-public schools do not serve students with disabilities. I want to clarify that at St. Michael's Catholic School, we take pride in our inclusive environment. Currently, we serve 17 students with various needs, representing 11% of our K-5 student population. These students face challenges such as dyslexia, ADHD, autism spectrum disorder, learning disabilities, speech and language needs, and emotional needs. However, we receive \$0 of the per pupil formula to support these students. With additional resources, we could serve even more students and strive to meet their diverse needs effectively.

We work in partnership with the public school system when serving students with identified special education needs, but the lack of funding limits our ability to provide comprehensive support because we depend on tuition and serve a population that receives scholarships so we cannot hire specialists or more interventionists.

Again, the reason that we are limited in our services for students with special needs is based upon available resources because we receive \$0 from the state to serve them and we keep our tuition rates low so families can access the education of their choice in Catholic schools.

3. High Standards of Accountability:

Another misconception is that non-public schools lack accountability. I want to assure you that we maintain high standards of accountability. Non-public schools are required to complete reports mandated by the Department of Public Instruction, along with undergoing the Cognia accreditation process, which evaluates our schools by the same standards as public schools. Additionally, we have a Board of Education elected by our school community, ensuring that our leadership is accountable to the families we serve and the parish that financially supports our school and families.

Furthermore, we are mandated to employ highly qualified educators who participate in required professional development mandated by the Department of Public Instruction and the Education Standards and Practices Board. Our curriculum aligns with state learning standards ensuring that we provide a rigorous educational experience for all students.

4. A Diverse Student Body:

It's also important to note that not all students who attend Catholic schools are Catholic. At St. Michael's Catholic School, approximately 12% of our student body comes from different faith backgrounds. These families choose our school because they seek an alternative to what public schools can offer—smaller class sizes, a focus on character development, and a values-based education, close relationships with teachers and administrators to create meaningful partnerships in their child's education. The choice of a school should not be limited to religious affiliation; it should be about finding the best fit for each child's unique needs.

5. The Importance of School Choice:

School choice is essential for fostering an educational landscape that is diverse, inclusive, and responsive to the needs of all students. It allows families to seek out educational environments that align with their values and meet their children's specific needs. By supporting school choice, we are advocating for equitable access to quality education for every student, regardless of their background or abilities.

6. A Call to Action:

I urge this committee to support policies that promote school choice, ensuring that all families have the opportunity to choose the educational path that best fits their children. Together, we can dismantle the falsehoods surrounding non-public schools and create a more inclusive educational system that truly serves all students.

Thank you for your time and consideration. I hope you will support policies that enhance school choice for all families. I will stand for any questions.

Sincerely,
Sara Dudley
sara.dudley@stmichaelsgf.com

515-231-8102

504 5th Ave. N.

Grand Forks, ND 58203

Hello, my name is Kristen Klein,

My children's education is very important to me and my husband. This is why we choose Bishop Ryan Catholic School. They really fit everything we need and want for our kids, especially our religious freedom. It is very important to us to send our kids to a non-public school. This choice matters that we get to choose where we send our kids. However, it is not our choice where our tax dollars go to for education. With a fourth child on the way the cost of educating them all becomes cumbersome. Just because we love our big family, I don't feel like we should have to financially suffer because of our choice to go to a non-public school. Our family needs some sort of financial help for us to continue to educate them all in the non-public school system. I thank the committee for listening to our family, and hopefully will pass a bill that will help assist not only our family but other families with the same financial stress.



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

To: House Education Committee
From: David Tamisiea, Executive Director
Subject: House Bill 1607 - Educational Empowerment Accounts
Date: February 5, 2025

The North Dakota Catholic Conference supports House Bill 1607.

HB 1607 seeks to improve the way education is provided in North Dakota by respecting a child's right to a quality education and a parent's right to choose the education best suited to their child.

A Principled Approach to Education That Respects the Rights of Parents and Children

Every child has a right to a state-supported education. This right is rooted in the immeasurable dignity of each child, and the obligation of the political community to provide concrete assistance for the education of all children so that they can achieve their potential.

Parents are the primary educators of their children. This is because they are ultimately responsible for their children's growth, formation, and development. As the primary educators of their children, parents have a duty and right to choose the kind of education that best meets their child's needs.

This educational choice bill respects both the right of the child to a state-supported education and the right of the parent to choose the form of education best suited to the child. It gives families affordable options to choose from through educational empowerment accounts instead of a "one-size-fits-all" approach to education.

Educational Empowerment Accounts

Currently in North Dakota, parents have three options for educating their child: public school, non-public school, and home education. This bill recognizes that these three choices are not equal in terms of the financial burdens placed upon families. It seeks to alleviate the financial burden on parents who choose to educate their child in a nonpublic school through the use of an Educational Empowerment Account (EEA). It also expands choices for these families so they can utilize educational tools and materials that they otherwise might not be able to afford. The funds deposited into a parent's EEA could be used for qualified educational expenses, including tuition and fees, textbooks, tutoring, curriculum materials, online classes, examination fees, computer technology, and transportation fees.

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Do Not Let North Dakota Fall Behind

Parental choice is widely recognized as essential for quality K-12 education. Just last week, the President signed an executive order to expand educational freedom by directing federal agencies to prioritize school choice programs when awarding federal dollars to support state K-12 education.¹ There are currently 33 states that have some form of parental choice in education that allow public funds to be used by parents to access the schools or services that best fit their child's needs.² These state school choice programs include educational empowerment accounts, school vouchers, and tax credits and deductions. When you add public charter schools into the mix, only Kentucky and North Dakota have no school choice options for parents and their children.³ We should not allow North Dakotan families to be left behind without the ability to choose the best form of education for their children.

Educational Empowerment Accounts Expand Educational Choice

Educational Empowerment Accounts funds under HB 1607 are available for a wide variety of educational uses tailored to meet an individual non-public school student's needs. Eligible uses include not only private school tuition and fees, but also textbooks, online classes, tutoring, test prep, transportation costs, and the like for any eligible student.

Current non-public school students could use EEA funds under HB 1607 for tuition and fees. Students who could not otherwise afford it could also use their EEA funds to attend a non-public school, which may better match their beliefs, values, and needs.

It is also not true that there are no non-public schools in rural North Dakota. There are non-public schools in Rugby, Langdon, Valley City, Sentinel Butte, Watford City, Belcourt, and Fort Yates. Rural families in these areas could use EEA funds to pay for non-public school tuition.

It Is Entirely Appropriate to Use Public Funds for Non-Public Schools

Opponents object to public funds being directed to non-public schools. Detractors see this as an inappropriate use of tax-payer funds since these are private organizations and not state-run entities.

¹ "Fact Sheet: President Donald J. Trump Expands Educational Opportunities For American Families," at <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-expands-educational-opportunities-for-american-families/>

² EdChoice, "School Choice in America," at <https://www.edchoice.org/school-choice-in-america-dashboard-scia/>.

³ National Center for Education Statistics, "Fast Facts: Charter Schools," at <https://nces.ed.gov/fastfacts/display.asp?id=30>.

This objection is misplaced since these funds would be deposited into EEAs and then the parents would use the funds to make the best educational choices for their children. Nothing would go directly to a non-public school. If the parent chose to send their child to a non-public school, this would only be an indirect payment consequent to the decision of the parent.

Moreover, why do opponents insist that public funds can only be used by public schools to educate our children? Like all states, the state of North Dakota directs public funds to private organizations in other areas besides education to help carry out essential social services for its citizens. For example, North Dakota directs public funds to private religious non-profit organizations to conduct adoptions. Further, the state directs medicaid payments to cover medical services given to the poor at private hospitals and clinics throughout the state. North Dakota also provides public funding to Dakota Boys & Girls Ranch and Home on the Range to care for troubled youth. In addition, state funds are directed to the Anne Carlsen Center and other providers to care for children with behavioral and developmental challenges. Many more examples could be offered. The point is that it is entirely appropriate for state funds to be used by parents to pay for non-public schools.

North Dakota's Non-Public Schools Are More Regulated by the State Than Any Other Non-Public Schools in the Country

Another objection against directing public funds to non-public schools is that these schools are not accountable to the state. This is not true for two reasons.

First, this bill directs public funds directly into EEA accounts for a parent to use for their child's educational needs. No funds go directly to non-public schools, and a parent may use the funds for other approved educational resources. It is the parent's choice. Second, even if a parent chooses to use EEA funds to pay for tuition at a non-public school, North Dakota non-public schools are regulated by the state more than any other non-public schools in the country.⁴ North Dakota is one of only eight states that require all non-public schools to be approved by the state. In only two of these states - Massachusetts and North Dakota - are the approval requirements for non-public schools identical to the requirements for public schools. Only one of these two states - North Dakota - requires non-public school teachers to be licensed by the state. This leaves North Dakota as the only state in the nation that mandates both state approval for nonpublic schools identical to that for public schools and requires state-licensing for nonpublic school teachers.

Educational Empowerment Accounts Are Constitutional

Art. VIII, Sec. 1: Opponents of public funds going toward educational empowerment accounts also claim Article VIII, Section 1, of the North Dakota Constitution prohibits the

⁴ State Regulation of Private and Home Schools, U.S. Department of Education, 2025; Specific State Laws, at <https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/permission-to-operate-comparison-chart.pdf>.

use of public funds for private education. This is not what this section says. Rather, it merely says, “The legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control” (“sectarian” = religious). North Dakota *has* established a public school system “free from sectarian control” and “open to all children of the state of North Dakota.” But there is nothing in our state Constitution that limits the legislature *only* to establishing public schools for educating our children.

Nothing prevents the legislature from doing *other* things in addition to a public school system to support and enhance education in North Dakota, like providing public funding for EEAs to support parental educational choice. In fact, under Article VIII, Section 4, of the North Dakota Constitution, it says “The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.”

Art. VIII, Sec. V: Opponents also frequently claim that Article VIII, Section V, of North Dakota’s Constitution prohibits educational funds going toward anything other than public schools, because it says, “No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”

This constitutional provision banning the use of public funds for the support of religious schools is known as the “Blaine Amendment.” The Blaine Amendment is named after James Blaine, a 19th-century Maine politician who in 1875 unsuccessfully tried to have this provision added as an amendment to the U.S. Constitution. Nevertheless, Congress forced new states, including North Dakota, to include the Blaine Amendment in their state constitutions as a condition of obtaining statehood.⁵

The U.S. Supreme Court has in three recent decisions declared that state Blaine Amendments banning the use of government funds to support religious schools violate the First Amendment of the Constitution by interfering with the free exercise of religion and are therefore void and unenforceable. In *Trinity Lutheran Church v. Comer* (2018), the U.S. Supreme Court held that the state of Missouri violated the First Amendment by excluding a faith-based preschool from a state program that provided recycled tires for playground resurfacing simply because it was religious. In *Espinoza v. Montana Department of Revenue* (2020), the U.S. Supreme Court held that the Montana Supreme Court violated the First Amendment when it invalidated, on state constitutional grounds, a private-school-choice program because it included faith-based schools. Likewise, in *Carson v. Makin* (2022), the U.S. Supreme Court held that Maine unconstitutionally excluded religious schools from a publicly-funded scholarship program for students in rural school districts. In all three case, the Court held that withholding public funds from private religious schools under state Blaine Amendments was unconstitutional.

⁵ Act of Feb. 22, 1889, 25 Stat. 676, ch. 180 (1889)

On November 29, 2022, Attorney General Drew Wrigley issued a formal legal opinion affirming the unconstitutionality of the Blaine Amendment in North Dakota's Constitution.⁶ (The AG's opinion is attached to this testimony.) The opinion states: "the Blaine Amendment is not enforceable under United States Supreme Court case law" and "the United States Supreme Court has barred the state from enforcing its Blaine Amendment." Blaine is dead. While the state of North Dakota is not obliged to fund private religious schools under our state constitution, nothing prohibits the state from doing so.

Nevertheless, we continue to hear from opponents of educational choice that, although the state's Blaine Amendment is unconstitutional, the legislature should respect the intent of the state's Founders and enforce it legislatively anyway. This assertion is deeply troubling. The state's Blaine Amendment is unconstitutional because it violates the First Amendment of the United States Constitution that protects American citizens against unjust religious discrimination by the government. Proponents of keeping its "spirit" because of "tradition" or respect for the state's founders are asking this legislative body to knowingly violate the First Amendment of the U.S. Constitution and the religious rights of North Dakotans.⁷

Conclusion

Educational empowerment accounts respect the rights of children to a state-supported education and the rights of parent to direct the education of their children. Educational empowerment accounts are constitutional and would expand educational opportunities for all families in North Dakota.

We urge a **Do Pass** recommendation on House Bill 1607.

⁶ North Dakota Attorney General Opinion 2022-L-07.

⁷ The state's founding fathers did not willingly choose to include the Blaine Amendment in the state constitution. Congress, which was swept up in anti-Catholic and anti-immigrant hysteria at the time, forced the state to include the Blaine Amendment in the state's constitution as a condition of obtaining statehood. (Act of Feb. 22, 1889, 25 Stat. 676, ch. 180 (1889).)



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Drew H. Wrigley
ATTORNEY GENERAL

LETTER OPINION
2022-L-07

Dr. Rebecca S. Pitkin
Executive Director
North Dakota Education Standards and Practices Board
2718 Gateway Ave., Ste. 204
Bismarck, ND 58503-0585

Dear Dr. Pitkin:

Thank you for your questions regarding the Teacher Support System and the availability of related grants for private school teachers. Specifically, you ask (1) whether private school teachers who are also mentors may participate in the Teacher Support System, and (2) whether private school teachers who are also mentors may receive grants to participate in the Teacher Support System. Nowhere in the applicable statute or administrative code are non-public school teachers prohibited from participating in the Teacher Support System. However, the context of your question indicates the key issue underlying these questions is whether Article VIII, Section 5 of the North Dakota Constitution (“the Blaine Amendment”)¹ prohibits teachers at sectarian schools from receiving grants from the Teacher Support System. It is my opinion that the Blaine Amendment is not enforceable under United States Supreme Court caselaw, and therefore teachers at sectarian schools may receive grants from the Teacher Support System.

ANALYSIS

The Blaine Amendment was adopted as Article 152 of the 1889 North Dakota Constitution and provides that “[n]o money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.”² The North Dakota Supreme Court has held “[a] ‘sectarian institution’ is ‘an institution affiliated with a particular religious sect or denomination, or under the control or governing influence of such sect or denomination.’”³ Over time, the definition of “sectarian” has broadened to include “relating to” or “supporting a particular religious group and its beliefs.”⁴ As a result, the Blaine Amendment effectively means “[n]o money raised for the support of

¹ In 1875, then Speaker of the U.S. House of Representatives James Blaine proposed an amendment to the United States Constitution which would prohibit states from providing public funds to religious schools. After Blaine’s amendment failed to pass the U.S. Senate, 38 states passed amendments to their state constitutions barring state funding of religious or sectarian schools. These amendments are colloquially referred to as “Blaine Amendments.”

² N.D. Const. art. VIII, § 5.

³ *Gerhardt v. Heid*, 267 N.W. 127, 131 (N.D. 1936).

⁴ Black’s Law Dictionary (11th ed. 2019).

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the support of the public schools of the state shall be appropriated to or used for the support of any [religious private school].”⁵

The Teacher Support System is a mentoring program for new teachers operated by the North Dakota Education Standards and Practices Board (ESPB).⁶ A teacher who holds an initial, two-year license must participate in the Teacher Support System to be eligible to apply for a five-year-renewal license.⁷ The legislature appropriated \$2,125,764 to the ESPB for the 2021-23 biennium to provide grants to Teacher Support System mentors.⁸ The applicable statutes and administrative code do not prohibit private school teachers from participating in the Teacher Support System as either mentors or mentees. Given that participation in the mentor program is a requirement for renewed licensure and the lack of contrary language in statute, it is my opinion that teachers at private schools may participate in the Teach Support System as mentors. Similarly, it is my opinion that teachers at private schools may receive grants for participating in the Teacher Support System.

However, this does not end the inquiry. As noted above, the Blaine Amendment bars appropriated funds and public money from being used to support any sectarian school. On its face, this prohibition would apply to Teacher Support System grants provided to mentors employed by sectarian schools. However, in two recent decisions, the United States Supreme Court cast doubt on whether Blaine Amendments can be reconciled with the First Amendment to the United States Constitution. In *Trinity Lutheran Church of Columbia, Inc. v. Comer*,⁹ the Court held a “law . . . may not discriminate against ‘some or all religious beliefs.’ . . . The Free Exercise Clause protects against laws that ‘impose [] special disabilities on the basis of . . . religious status.’”¹⁰ The Blaine Amendment functionally prohibits religious private schools from receiving grants from the Teacher Support System, while teachers at non-religious private schools are allowed to receive the grants. This is precisely the type of disadvantage the Supreme Court concluded may not be imposed on the basis of religious status.¹¹

The Supreme Court went even further in *Espinoza v. Montana Dept. of Revenue*.¹² In that case, the Court held that, because Montana’s Blaine Amendment had been applied to discriminate against schools and parents based on the religious character of the school at issue, the amendment was subject to the strictest level of judicial scrutiny.¹³ The Court made clear an interest in separating church and

⁵ N.D. Const. art. VIII, § 5.

⁶ N.D.A.C. § 67.1-04-04-03.

⁷ N.D.C.C. § 15.1-13-10(9).

⁸ See H.B. 1013, 2021 N.D. Leg., Section 1, Subd. 1 - part of the “Grants – program and passthrough” line item.

⁹ 137 S.Ct. 2012 (2017).

¹⁰ *Id.* at 2021 (citations omitted).

¹¹ *Id.* at 2021-2022.

¹² 140 S.Ct. 2246 (2020).

¹³ *Id.* at 2260 (noting that, to satisfy this “strictest scrutiny” test, the government action in question must “advance ‘interests of the highest order’ and must be narrowly tailored in pursuit of those

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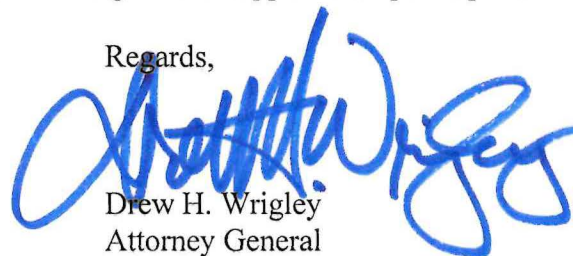
November 29, 2022

State “cannot qualify as compelling in the face of the infringement of free exercise.”¹⁴ The Court concluded that “[a] State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious.”¹⁵ Recently, the Supreme Court expanded the *Espinoza* holding in *Carson v. Makin*.¹⁶ In *Carson*, the Court held the application of Maine’s Blaine Amendment to generally available tuition assistance payments violated the Free Exercise Clause of the First Amendment. The Court said the Blaine Amendment impermissibly denied public funding to certain private schools solely because the schools are religious.¹⁷

Here, as in *Carson* and *Espinoza*, the state created a mentorship program that is mandatory for licensure renewal. Fairly applied, the Blaine Amendment would permit teachers at public schools and non-religious private schools to receive grants for participating in the mandatory program, while barring teachers at religious private schools from receiving the same grants. Based on *Trinity Lutheran*, *Espinoza*, and *Carson*, the Blaine Amendment cannot be enforced in any situation where doing so would disadvantage a sectarian school as compared to a non-religious private school simply because of the school’s sectarian nature. As a result, it is my opinion the United States Supreme Court has barred the state from enforcing its Blaine Amendment.

Based on binding United States Supreme Court caselaw, it is my opinion the Blaine Amendment unconstitutionally disadvantages sectarian schools. As a result, it is my opinion that teachers at all schools, including both non-religious and sectarian private schools, may participate in the Teacher Support Program as mentors, and may receive grants to support their participation.

Regards,



Drew H. Wrigley
Attorney General

This opinion is issued pursuant to N.D.C.C. § 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts.¹⁸

interests.” (citing *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993)))

¹⁴ *Espinoza v. Mont. Dep’t of Revenue*, 140 S.Ct. 2246, 2260 (2020).

¹⁵ *Id.* at 2261.

¹⁶ 142 S.Ct. 1987 (2022).

¹⁷ *Id.* at 2002.

¹⁸ See *State ex rel. Johnson v. Baker*, 21 N.W.2d 355 (N.D. 1946).

Hello

My name is Chauncey Klein and am a 43 year old father of three, soon to be four, children all under the age of 13. I am proud to say that I have called North Dakota my home from the time I was born in Williston, graduated from Minot High School, and eventually got my B.S. from North Dakota State University. When the time came for my wife and I to choose what school to send our children to, we made the choice to send them to Bishop Ryan Catholic School even though both of us graduated from public school. The decision ultimately came down to the desire for our kids to be able to have God a part of their education, which neither of us had and something we believe is important. Over the course of the past few years, this has proven more difficult with the costs of everything increasing due to the inflation that everyone is dealing with.

I believe that an Educational Savings Account could help families like mine navigate these struggles and be able to continue to give our children the education we believe is best. North Dakota is a truly great place to live and I implore you all to consider these circumstances that I know many families face.

Regards,

Chauncey Klein

Greetings, House Education Committee,

My name is Jeremy Schmaltz. I live and work in District 42 and I am a parent and school board member who has chosen to enroll my child in St. Michael's Catholic School in Grand Forks, ND. I work as a clinical counselor in the area.

I support HB 1607, HB 1509, and HB 1540, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support HB 1607, HB 1509, and HB 1540 because having previous experience in both the public and private sector of education in my community as a former music educator, I believe that parents should have the right to choose where their tax dollars are allocated to provide their children with the best future they can provide. The public schools here in Grand Forks have chosen to include ideological content that is harmful to the natural development of elementary aged and middle school aged children. Kids are bullied for not being LGBTQAI + in GFPS. There has been a rise in kids who identify as transgender and non-binary ever since these policies have been adopted. Several students have gone as far as taking puberty blockers, have begun and nearly finished the process of transition. This is biologically and psychologically damaging on many levels, not to mention, banned in the EU. I find it sad that I must protect my child against this environment at my local public elementary school. As such, I do so voluntarily, but feel no other option but to send my child to a private institution. I personally choose a Catholic education for its rigorous academics, quality educators, the instillment of character and values that promote community service and leadership, and for its faith-based approach that aligns with our family's core values.

Having school choice will aid 100s of families in the Grand Forks area and 1000s throughout the state to have the ability to choose where their tax dollars go regarding their children's education, so that they can have the confidence and freedom that their tax dollars are being spent in accordance with their conscience and values. It also empowers the diversity of educational approach for those students who the traditional model of education does not work for.

I urge you to vote in favor of HB 1607, HB 1509, and HB 1540. In the United States, 11 states have universal private school choice programs, and 21 states have limited private school choice programs. It is time ND adopt these school choice programs to further empower its citizens and invest in the future of its children.

Thank you for your service to the state of North Dakota and your time on HB 1607, HB 1509, and HB 1540

Hello House Education Committee,

My name is Michaela Larson. I live in District 8 and I am a parent who has chosen to enroll my children in Christ the King Catholic School.

I support all school choice bills that support parent autonomy and the right to provide an education for my child.

I urge you to vote in favor of HB 1607.

Thank you for your service to the state of North Dakota and your time on HB 1607.

Thank you,

Michaela Larson

Testimony against House Bill 1607

Dear members of the House Education Committee:

My name is Cam Leedah. I live in rural Leonard. I urge a Do Not Pass on HB 1607.

An educational empowerment account may seem like a good alternative to ESAs and vouchers but here are a few problems with this:

- 1) Bigger government (administration) and greater burden to taxpayers.
- 2) Accountability follows the money. Rules and regulations put onto programs or schools that did not already have them will hamper the very spirit that made them unique and turn them into another arm of the government.
- 3) Costs for tuition and programs will rise, as they have in states that have had these taxpayer funded programs for more than a few years. This is a burden for the non-public schools and programs that do not take the money, as well as a greater burden for taxpayers.

Keep taxpayer dollars in the public school.

Give this bill a Do Not Pass.

I was a student in public schools in a community where many of my friends were in the local Catholic elementary school connected to our church. My family could send my brother and me to the local public school. It was hard as a kid to understand why my friends from church and activities went to a different school than me, but as an adult, I now understand. My brother had needs that could not be met at a private school. I struggled with reading, and our local public school had reading specials to enhance the instruction I received in the classroom. Now, as a public-school teacher and mother believe wholeheartedly that their choice was the best for our family. Those services we received wouldn't have been as possible if public funds had gone to the private school in our area. As a kindergarten teacher, I see students start in private schools and then come into public school classrooms after their needs have not been met in those locations. As a mother, I have a child who is on an IEP for dyslexia and receives not only special education services but also reading interventions through a reading specialist. Private schools do not have to accept everyone. Private schools do not have to meet the needs of every student like public schools. Private schools do not have the same regulations and expectations as public schools. Therefore, public dollars should not be used for private education. Every parent should have a choice on what is best for their child. However, public dollars are meant for the free inappropriate education that public schools provide. I encourage you to oppose any bill that gives public dollars to private schools.

Thank you for your time

Monica Klein

1 Testimony in Opposition to House Bill 1607

2
3 Chairman Heinert and Members of the Committee,

4
5 My name is Mike McNeff, and I serve as Superintendent for Rugby Public School District. I
6 appreciate the opportunity to testify in opposition to House Bill 1607, which proposes the
7 creation of Educational Empowerment Accounts to divert public school funding into private
8 education expenses with no meaningful oversight, transparency, or equitable access for all
9 students.

10
11 As a fiscally responsible, conservative state, North Dakota must ensure that taxpayer dollars are
12 spent with full accountability. HB 1607 fails to meet that standard. The bill allows public funds to
13 be transferred to individual accounts that parents can use for private school tuition, tutoring,
14 transportation, educational therapy, and various other expenses. However, there are no
15 academic requirements, financial audits, or guarantees that these funds will be used to improve
16 student learning. Unlike public schools, which must adhere to state-mandated curriculum,
17 testing, and fiscal oversight, private institutions and service providers benefiting from these
18 accounts are not held to the same standard.

19
20 North Dakota's public schools educate 90% of students, yet HB 1607 redirects public funds
21 away from these schools to support private and home education options that do not serve all
22 students. The bill explicitly prohibits students who receive an empowerment account from
23 enrolling in public school or filing for home education status, meaning these students are
24 removed from the public education system entirely while still receiving public money. This is a
25 direct attack on public school funding and an inequitable use of state resources.

26
27 Additionally, HB 1607 disproportionately benefits urban families while doing little for rural
28 students. The vast majority of North Dakota's 170 school districts are in rural areas with no
29 access to private schools or specialized educational service providers. This bill allows urban
30 students to access a variety of options, while rural students—who lack these alternatives—are
31 left with no real choice. We should not incentivize urban areas at the expense of rural
32 communities. If the goal is to support all students, then any funding program should be
33 structured to provide an equal flat dollar amount for all 127,500 students in North Dakota—
34 whether they attend public, private, or home school. HB 1607, however, creates an inequitable
35 funding system that prioritizes private education over public school students.

36
37 This bill also raises serious constitutional concerns. North Dakota's Article VIII, Section 5, and
38 Article X, Section 18 explicitly prohibit the use of public funds for sectarian schools. By creating
39 government-funded accounts that can be used for private religious education, HB 1607 attempts
40 to circumvent these constitutional protections and could lead to future legal challenges.

41
42 Finally, the lack of meaningful oversight in this bill invites financial misuse and fraud. The bill
43 states that the Superintendent of Public Instruction may conduct random audits but does not
44 require regular reporting or financial transparency from participating families. While there is

45 mention of fraud investigation, it is reactive rather than proactive, meaning public funds could be
46 misused for months or years before any accountability is enforced. This is not a responsible use
47 of taxpayer dollars.

48
49 If North Dakota is going to invest in education, those funds must be accountable, transparent,
50 and used for the benefit of all students, not just a select few. HB 1607 fails to meet this
51 standard. If the goal is fairness, then these funds must be distributed equitably across all
52 students and should not come at the expense of public school funding. I urge you to oppose HB
53 1607 and any legislation that weakens public education by diverting public funds to private
54 education providers without accountability.

55
56 Thank you for your time and consideration. I am happy to answer any questions.

Dear lawmakers,

As Superintendent of the Valley-Edinburg School District, encompassing five small rural communities in the northeast corner of North Dakota, I ask that you consider the constitutionality of the many ESA bills presented to you this session.

North Dakota's Constitution is unquestionable about the use of public school funds for sectarian schools: "no money raised for the support of public schools shall be appropriated or used for the support of any sectarian school." Likewise is the constitutionality of reimbursing student families for private school tuition: "Neither the state nor any political subdivision thereof shall make any direct or indirect appropriation or payment from any public fund in aid of any sectarian school." The compulsory nature of our educational system requires our state to offer free, equitable public education to all students in our state. The issue does not lie in the creation and use of ESA's, if the amount of support is equal for all students in the state, regardless of the type of education they choose to access.

My school district is currently educating 223 students in our buildings. These 223 students come from varying socioeconomic backgrounds and were born with varying abilities and health conditions. It is our responsibility and constitutional mandate to educate each of these students, regardless of these factors. The ND Department of Public Instruction recently developed a North Dakota School Needs Rank List, in which a 1-10 scale (1=lowest need and 10=highest need) rated each school's overall level of needs based on the percentage of students with the following disadvantages: economic, free and reduced lunch counts, students with disabilities, IEP assignments, students learning English as a second language, and Native American students. Valley-Edinburg's PK-2 grade building in Hoople received an 8 ranking; Valley-Edinburg's 3-6 grade building in Crystal received a 7 ranking; and Valley-Edinburg's 7-12 grade building in Edinburg received an 8 ranking. These rankings suggest a high level of student needs that we are committed to addressing and meeting every day, because that is what we are charged to do as a public school in the state of North Dakota. Despite these needs, our district, through adequate funding, smart budgeting, and outstanding teaching, manages to exceed the state average by almost 20% in ELA achievement, by almost 20% in Math achievement, and over 20% in Science achievement in our annual state academic testing last year.

This is not easy work, and our charge changes continuously throughout the school year based on ongoing diagnoses, fluctuating enrollment, etc. Not only do we work diligently throughout the school year to provide each of these students with a Free and Appropriate Education, we also work continuously to provide enriching, supplemental programs for all of our students and school community families, because we know that great education happens when you choose to educate the WHOLE child:

- In-house Dual-Credit Biology Courses (offered to surrounding schools via ITV)
- Course planning w/ Lake Region College for high school students to earn Associate's Degrees or General Education Certificates
- High school school-to-work placements with area businesses

- Member of North Valley Career and Technical Center (offered to all 10-12 graders - marketing, agriculture, business, health care, automotive, construction, and welding)
- Extensive career exploration programs: job shadows, college visits, career exploration events (SCRUBS Camp & Manufacturing Days)
- Spanish program for all 9-12 grade students
- Competitive theater and music programs for all 7-12 grade students
- Co-curricular opportunities such as River Watch, FCCLA,
- On-site telehealth services for counseling and mental health appointments
- On-site speech therapy, occupational therapy, physical therapy, psychological services, and behaviorist services
- In-house Valley-Edinburg Special Education Unit
- Math and reading intervention program for all PK-12 grade students
- PK-2 grade in-house Spanish immersion program
- In-house daycare facility
- District-sponsored preschool program
- In-house Extended School Program, providing additional learning from 7AM-5:30PM for all PK-8 grade students
- Monthly interest clubs for 3-6 graders
- Tiny Titans Basketball Camp for all PK-2 graders
- Tiny Titans Cheer Camp for all PK-2 graders

These programs have all been developed as a response to our local needs and stakeholder requests. As a parent of two children currently enrolled in this school system, I am excited about the opportunities they have access to every day in our school district, on top of the excellent educational experience they receive.

These 223 public school students are the future of North Dakota's workforce and our nation's workforce. We ask that these students, as mandated by the state's constitution, receive the level of priority that they deserve.

1 HB 1607– EEA Bill

2 Mandan Public Schools – Mike Bitz, Superintendent

3 Good morning, Chairman Heinert and members of the Senate
4 Education Committee. For the record, my name is Mike Bitz. I
5 am fortunate to serve as the superintendent for Mandan Public
6 Schools. Thank you for all you do to support education in ND. I
7 am here today to oppose HB1607. I will be brief.

8

9 This bill appropriates \$179,000,000 to private schools without
10 private schools having to account for a nickel of how the
11 appropriation is spent. The only fiscal accountability is the ability
12 for DPI to audit the EEA of the parent. – As a Conservative and a
13 ND taxpayer, I will tell you that this is not only bad government,
14 it is wrong. ND has great private schools, with good people
15 working in them, but giving anyone \$179,000,000 without any
16 fiscal accountability is a bad idea. If you approve this bill, please
17 put guardrails in place to ensure full accountability for these
18 dollars. The taxpayers of ND deserve this.

19

20 ND has great private schools, and no one is arguing that parents
21 should not be able to send their children to these great schools.
22 However I find it confusing that the legislature is also
23 considering a parents right bill that in its current form will not

1 apply to private schools even if they accept public dollars. If
2 private schools accept public dollars (and these are public dollars
3 as evidenced by the fiscal note attached to this bill), shouldn't we
4 expect them to open their board meetings and welcome parents to
5 attend, and have the ability to address the board? Should parents
6 really need to forfeit their rights as parents if the private school
7 chooses to admit their child? I think the overwhelming majority
8 of ND residents can agree that **Accepting public dollars means**
9 **accepting public accountability!**

10 Thank you for the opportunity to speak to you today. I urge you
11 to vote NO on HB1607. At a minimum if you are going to
12 approve this bill, amend it and give taxpayers the fiscal
13 accountability they deserve. I would be happy to stand for any
14 questions.

To Whom it may concern,

I am writing to express my strong opposition to HB 1607, which is currently under consideration by the committee. As a concerned life-long resident and teacher in North Dakota and a firm believer in the strength of our public education system, I urge you to recommend a DO NOT PASS on this legislation. I am a product of K-12 public education from a Class B town in western North Dakota, a product of the University of North Dakota, and now a teacher in a city in eastern North Dakota. The legislation in question seeks to divert crucial funds from public schools by implementing a voucher system.

My first concern is the limited access to private schools. As I said before, I am from a Class B school in western North Dakota. The closest private school was almost an hour drive. Only 32% of North Dakotan families have access to private schools, meaning that the majority of our residents would not benefit from the proposed voucher system. By diverting public funds to private institutions, we would be disproportionately benefiting a small segment of the population while leaving the vast majority of North Dakota families without equal opportunities.

There are also inequities in homeschooling vs public schooling. Our public schools have state standards that all public schools must follow. Homeschooling doesn't have the same standards public schooling currently institutes, and even with the proposed changes massive inequities will still exist. By diverting funds to homeschooling, we are financially hindering our public dollars to support students who aren't involved in the public process.

Our public schools already face financial challenges that haven't been met yet. Schools are underfunded, overcrowded, and do not have enough resources to go around. Public money should be going to the public buildings to fully-fund the opportunities for the students. A voucher system is not beneficial for the crisis that already exists.

The public schools in North Dakota are integral to our future leaders and future work force. If public money is diverted to private institutions, then the students suffer. Remember, there are 78% of students who do not have access to a private institution. Private institutions are also not held to the same standards as public schools. The rural – urban divide will widen. The educational crisis will become worse.

I respectfully urge you to reject the proposal of school vouchers in North Dakota in all of its iterations. Public dollars must be protected and stay in the public sector.

Thank you for your time,

Erika Feole



Eric Ripley
Executive Director, Career
& Technical Education
Grand Forks Area Career and Technology Center

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eripley270@mygfschools.org

February 4, 2025

Subject: Opposition to ESA Provision for Private School Reimbursement

I am writing to express my strong opposition to the provision within the Education Savings Account (ESA) proposal that allows for reimbursement of private school tuition. While ESA programs can be beneficial for North Dakota families and students, the current structure of this legislation raises serious constitutional concerns and creates an inequitable allocation of public funds.

Our state's constitution is explicitly clear regarding the funding of education as outlined below.

Article VIII, Section 5 states that "no money raised for the support of public schools shall be appropriated or used for the support of any sectarian school."

Additionally, Article X, Section 18 affirms that

"neither the state nor any political subdivision thereof shall make any direct or indirect appropriation or payment from any public fund ... in aid of any sectarian school, or for any other sectarian purpose."

Providing public dollars—even in the form of reimbursements—to private schools conflicts directly with these constitutional provisions.

Public schools serve approximately 90% of North Dakota's students, regardless of ability, background, or health. These institutions ensure equal access to education for all children, a responsibility that no other educational entity fully assumes. It is imperative that the legislature prioritizes funding for public schools, which remain the foundation of our state's workforce and future economic stability.

I urge you to amend the ESA proposal by removing the provision for private school reimbursement while maintaining fair and equitable support for all students, regardless of where they attend school. A constitutionally sound ESA program that benefits all families would be a reasonable and just approach.

Thank you for your time and consideration of this important matter. I appreciate your commitment to upholding the integrity of North Dakota's constitution and ensuring fair educational funding for all students.

Sincerely,

Eric Ripley
Executive Director of Career & Technical Education

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Grand Forks School District prohibits discrimination and harassment based on race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, disability, age, or other status protected by law. The District also provides equal access to the Boy Scouts and other designated youth groups, as required by federal law.

To the House Education Committee,

My name is Lisa Roers and I live in District 37. I am the parent of 4 children who I have enrolled in Catholic Education over the past 13 years. I am in support of Bill HB 1607 that supports the parent's right to chose the route of education they would like their child to take.

When it was time to choose a school for our children, we toured both public and private schools. At that time, the schools were overflowing with children and the teachers were not able to provide the small atmosphere we wanted for our children. This was during the boom and we wanted to have teachers we could talk to for any questions we had as well as keep our children accountable for their actions. Yes we knew we would still be paying for public schools to be operational but we were getting so much more for our children in a private setting. These will also be the children that will some day step up to be on committees, volunteer to help with sports etc and know how important it is to give back to their communities.

I urge you to vote in favor of HB 1607. Thank you.

Lisa Roers

Hello House Education Committee,

My name is Kara Trom. I live in District 25 and I am a parent who has chosen to enroll my children at St. John's Catholic School in Wahpeton, ND. I support HB 1607, but I am in support of all school choice bills that support parent autonomy and the right to provide an education for my children. I support HB 1607 because I believe that all families should have a say in the environment in which their children receive education.

St. John's Catholic School provides an excellent education curriculum and learning environment but with a Christ-centered focus, which differs from public-school systems, and something we value as a family. The ability for our children to attend private school is a great expense to our family, and we have had to make many sacrifices to continue to send them there. The opportunity to receive assistance with tuition from our tax dollars will greatly benefit our family and many others like ours. We pay taxes to educate our children, however the public school is not educating them. The opportunity to attend private school should not only be for the wealthy, but it should be for all students in North Dakota. Every child should have the opportunity to attend a school that fits their needs and beliefs.

I urge you to vote in favor of HB 1607 to allow parents greater flexibility when choosing which school, they send their children to and ease the financial burden that goes with private schools.

Thank you for your service to the state of North Dakota and your time on HB 1607.

Kara Trom

Wahpeton, ND

To the ND House and Senate Education Committees –

Thanks for your hard work on behalf of North Dakotans.

My name is Carrie Schumacher, and I live with my husband and 8 children in Bismarck; we are on WIC, Medicaid, and SNAP, though my husband teaches full-time at the University of Mary. Our oldest child is 16 – a junior at School of the Holy Family in Mandan – and they progress down in age from there (14, 12, 10, 8, 6, 4 & 2). The 14-year-old takes a couple freshman classes at BHS and plays sports there, but is primarily homeschooled, as are his younger siblings. Our kids love learning at home – in addition to personal attention, they complete their work quickly and efficiently, leaving them time for music lessons, sports, jobs, and relationships – but they also appreciate access to the public and private school systems. Our youngest child has Down's syndrome, which requires extra time and attention, but the older kids have benefited from learning to love her well and to have compassion for folks with disabilities.

All this is to say – our family has a wide range of gifts and abilities, goals and desires, from a 16-year-old who will apply to elite institutions to a 2.5-year-old who cannot yet walk. These various bills that would allow educational funds to be released to families (especially low-income families like ours), would be a huge benefit for those of your constituents who are called and equipped to offer their kids an education that varies from the standard public-school model.

In case you were unaware, there is a group called Braintree Academy that helps homeschool families in several states recoup some of their school tax money in exchange for increased reporting on educational goals (in the case of ND, they allow families to use \$1700/child enrolled)... but I am sure neither of their end game, what their financial benefit is, nor what is done with the information we submit. It may be more efficient to cut out the middle man and access the funds directly from a state account. Other states have already implemented a similar model to what you are considering.

There is an argument that bills like these may divert funds from public schools, but

- (1) as I (possibly incorrectly) understand it, the school tax moneys from homeschooling families do not get forwarded to their local schools, but rather sit in an account, unapplied.
- (2) Because there is limited space at both public schools and private schools, homeschoolers/ private schoolers actually help maintain a stasis at the public schools – and there's not likely to be a huge 'run' on private schools if these funds are available, as they have only so many seats.
- (3) Also, because most families who want to homeschool or use private schools have already made the sacrifice, there may not be a huge increase in either population.
- (4) Having these funds available for private schools would further benefit families, as the income would help schools' available scholarship funds go further to help more students.
- (5) Citizens have paid tax dollars for education and would appreciate being able to access them.

Thank you for considering ways to help families like ours attempt to produce the next generation of faithful, compassionate, and wise North Dakotans.

Carrie Schumacher
1001 N. Mandan St, Bismarck

I am writing this in opposition to HB 1607. I have been an educator for 32 years and I spent 9 years of that teaching in private schools. I personally know that private schools don't provide services for a whole sub-section of students, mainly students with disabilities. Public schools are held to a higher standard since they are required to accept ALL students. This is a time when we need all our resources in the public schools.

HB 1607 aims to divert taxpayer dollars to private and religious schools, which are not held to the same transparency, accountability, or accessibility standards as our public schools.

No matter what these bills are called—education savings accounts, scholarship programs, or otherwise—if they divert public dollars to private schools, they are vouchers.

Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status. Our public schools are the foundation of our communities, and instead of diverting resources away from them, we should be investing in smaller class sizes, support staff, mental health resources, and competitive wages for educators.

North Dakota students, families, and educators are counting on us to stand up for **fully funded, equitable public education**. Let's make sure every public dollar stays where it belongs—in public schools.

Michelle Strand

Veteran K-12 Teacher

2015 Presidential Award for Excellence in Mathematics and Science

2022-23 Albert Einstein Distinguished Educator Fellow

National Board Certified Teacher since 2014

To the ND House Education Committee,

Hello,

My name is Kristin Franzen. I live and pay taxes in District 36. My 4 children attended non-public schools in this district from 1995 – 2014. I also currently have grandchildren attending non-public schools in District 35 and I own a business in District 32 that has been paying local taxes in that District since 2001.

I support HB 1607, and I am in support of State-funded educational savings accounts and all school choice bills that empower parents to choose the right educational option for their children.

Parents partner with schools to provide an education for their children and parents should be primary in their education. As a parent who therefore wants to be involved with my children's and my grandchildren's education and to have a choice, and a voice in the academic, cultural, social and spiritual environment that surrounds them, I support HB 1607.

Most non-public schools in ND were established to empower parents to partner in their children's education through shared standards and beliefs. They were not established for the well-off or for the elite. While we were paying both the taxes for our public school system and the tuition for our children to attend the school of our choice, our financial situation was such that we qualified for reduced hot lunches. We and many others made many sacrifices to send our children to the school of our choice, because of our strongly held belief that it was the right educational environment for our children.

The financial burden of non-public education has eliminated the "choice" for many families in ND. For the sake of our children and grandchildren, it's time to recognize our freedom of choice in education through the appropriation of funds for all students in this state through the use of State-funded educational savings accounts.

I urge you to vote in favor of HB 1607.

Thank you for your service to the State of North Dakota and for your time on this important bill.

Respectfully,

Kristin Franzen

Testimony in Support of House Bill 1607

Chairman Heinert and members of the House Education Committee,

My name is Daniel Martinez. My wife, who could not be here today, and I are United States Air Force Veterans and parents to eight beautiful children.

I am here to testify in support of House Bill 1607 and respectfully request that you render a “DO PASS” on this bill.

We feel very strongly about the ability to choose an education for our children that best suits them and firmly believe that we as parents, are the most qualified to make that decision. Furthermore, my wife and I believe that the manner in which their education is funded is a matter of justice and parental rights. On the matter of justice, it is the duty of our government to justly and fairly distribute both public benefits and burdens to all its citizens. It is not just that we simultaneously help fund a public school system for which our children will not benefit from, while also paying tuition to the school that is actually educating them. On the matter of parental rights, it is our duty as parents to guide and direct the education of our children. The path that we have chosen for our own kids is directly in line with our religious and educational beliefs. Our right to choose the foundation upon which their futures are built should not rest on whether I need to seek out additional employment or empty our savings account year after year. This is why a bill such as this is needed.

I stated previously that my wife and I are raising eight children. Our five school-aged kids are enrolled in Bishop Ryan Catholic School. Over the last 12 years, three of them have attended six different schools across four different states, both public and private. We know without a doubt that they thrive in Catholic schools. Although it has been a heavy financial burden, we feel it is the best choice for them. Unfortunately, after this school year is over we may be faced with a very difficult decision: Who do we pull out of Bishop Ryan? Our kindergartener who comes home excited to tell us that she loves Jesus and can't wait to see him one day? Our 2nd grader who can recite his prayers in Latin and tells us about the beauty of First Holy Communion and Reconciliation? Or will it be our 7th grader who is autistic and ADHD and struggles every day, but finds solace in the wonderful teachers and staff that go above and beyond to make sure that their lessons reach him in a way that he can understand? Or will it be my Junior or Sophomore girls who excel in their academics, but more importantly have expressed a calling to serve God and their community which is a direct influence by the culture of giving that Bishop Ryan has instilled in them. I don't have an answer today.

I would like to comment on just one more thing: My wife and I have been together for almost 25 years; she is from Minnesota and I am from Arizona. In 25 years the closest we've been to either of our families is an 8-hour drive. We have missed countless birthdays, weddings, holidays, and funerals. We've talked about where we would call home when she retired from the Air Force for over two decades, and I have to say that Minot, ND was never on the list. We dreamt of being close to family, hers or mine, it didn't matter as long as we were close. Bishop Ryan Catholic School has changed all of that. My wife retired last month, we bought a house in Minot and have decided that

the great state of North Dakota is our home. Bishop Ryan is the reason we stayed. If a school like that can completely alter our 20-year old plans and have such an immense impact on the direction of an entire family, please consider how many more families could be helped if they too had the means to send their kids to a school of their choice.

Thank you all for your time.

Testimony in Opposition to 1607

Chairman Heinert and Members of the Committee,

My name is Leslie Bieber and I am the Superintendent of Alexander Public School. I am in opposition to HB1607.

Public funds in every public entity require the same transparency and accountability measures that public schools must follow. Public schools are legally bound by open records laws, ensuring that every dollar spent is accounted for and that financial decisions are made with public oversight. I request the same for every tax dollar that will go towards any private tuition or fees.

Redirecting ESA Funds for Universal School Meals

If the Legislature is committed to ensuring all students benefit from state funding, a more effective and equitable use of these funds would be to guarantee free breakfast and lunch for every student in North Dakota. No matter where a child receives their education—public, private, or home school—all children need access to nutritious meals to thrive. By redirecting ESA funds to universal school meals, North Dakota can:

- **Combine multiple bills**—including the bill proposed to support school meal debt relief, the free meals bill, and various ESA proposals—into a single, comprehensive policy.
- **Save the state money** by eliminating duplicative funding mechanisms and ensuring funds are used efficiently.
- **Support every student** in North Dakota, regardless of where they receive their education.

Providing universal school meals would:

- **Ensure no child in North Dakota goes hungry during the school day.**
- **Support families by alleviating the financial burden of meal costs.**
- **Improve student focus, behavior, and academic outcomes.**

Using ESA funds to cover the cost of school meals benefits every student by still supporting their education choice.

HB1607 undermines the principles of public education by diverting taxpayer dollars to schools that are not subject to the same public accountability. Rather than creating an inequitable funding I urge a do not pass on this bill but rather redirect these funds toward a universal meal program that serves **every** child in North Dakota, regardless of where they receive their education.

I respectfully ask this committee to oppose HB1607. Thank you for your time and consideration.

Testimony in opposition to HB1607:

To members of the House Education Committee:

HB1607 is labelled as a bill dealing with compulsory attendance requirements. One must read all the way to page 2, line 19 to see that it is really about starting an education fund for the student, and we must read all the way to page 3, line 30, and the next 6 lines, plus referring to the Century Code 15.1 to see that it really about funding the debit card to be given to the parents from the money that should be going to their local school district to fund public education. This is illegal.

No. Please VOTE DO NOT PASS on HB1607

Thank you for your consideration on this matter.

James B. and Sharon E. Buhr
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Valley City, ND 58072
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Dr. Terry Brenner
Superintendent of Schools

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tbrenner270@mygfschools.org

February 4, 2025

Dear North Dakota Legislators:

As a long-time servant in public education amassing 42 years of professional experience as a teacher, principal, director and now superintendent, I am writing to express my strong opposition to HB 1540, HB 1590, HB 1607, and SB 2400, which are currently under consideration by the committee. It has been my vocation to advocate for students on all levels of the educational spectrum from gifted and talented to multi-lingual to special education and general education. Public schools are the linchpin to a sustained democracy and represent ALL people from a global perspective. We welcome ALL students at our front doorstep every single day.

Given the above, I implore you to recommend a DO NOT PASS on this legislation. The legislation in question seeks to divert crucial funds from public schools by implementing a voucher system. I don't need to remind you of the separation of church and state as you well understand the Constitution.

If this is an attempt to create competition so public schools can "up our game", please consider the following challenges public education has undertaken, sometimes without the necessary funds:

- Special Education student population has increased from 9% to 20% over the last generation. IDEA funding (federal) has not kept pace with special education needs.
- Multi-language learners doubled from 200+ to over 400+ in one academic school year with little funding to support programming.
- We have been forced to create satellite campuses for students who are coming out of drug/alcohol rehab, students with a violent history, and students who have been expelled from other school districts.
- The lack of "school readiness" for students entering kindergarten has increased significantly. In a classroom of 18-21 kindergarten students, there is a 5-year disparity between the top and bottom performers in that given classroom.
- Since COVID-19, absenteeism has skyrocketed (we have new procedures in place addressing this with some good results) which creates more workload for classroom teachers in "catching up students".

I am fully aware that fighting for public education and the necessary resources that accompany it is an uphill battle in North Dakota. It is disheartening to know that it has come to this.

I respectfully ask you to fully and completely understand what these bills will do to public education. And I urge you to vote these bills down.

Professionally,

Dr. Terry Brenner, Superintendent
Grand Forks and Grand Forks Air Force Base Public School Districts



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Grand Forks, ND 58201-3405



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To whom it may concern,

I am writing to express my strong opposition to HB 1607, which is currently under consideration by the committee. As a concerned life-long North Dakota resident, the current Board President of District 1 (Grand Forks Public Schools), and a firm believer in the strength of our public education system, I urge you to recommend a DO NOT PASS on this legislation. The legislation in question seeks to divert crucial funds from public schools by implementing a voucher system.

Key Concerns Regarding the Voucher System:

1. Limited Access to Private Schools. Only 32% of North Dakotan families have access to private schools, meaning that the majority of our residents would not benefit from the proposed voucher system. By diverting public funds to private institutions, we would be disproportionately benefiting a small segment of the population while leaving the vast majority of North Dakota families without equal opportunities.

2. Inequities in Homeschooling vs. Public Schooling. Homeschooling doesn't have the same standards public schooling currently institutes, and even with the proposed changes, massive inequities will still exist. By diverting funds to homeschooling, we are financially hindering our public dollars to support students who aren't involved in the public process.

3. Draining Resources from Public Schools. Our public schools are already facing significant challenges, including underfunding, overcrowding, and insufficient resources. Taking money away from these institutions would only expound the issues we face, further draining the resources from where they are most needed. Instead of improving educational opportunities, a voucher system would only exacerbate the crisis in our public schools.

4. Worsening the Educational Crisis. North Dakota's public schools are integral to ensuring that EVERY child receives a quality education. Diverting public funding to private schools that do not serve all students will only deepen the inequities in our education system. Private institutions are not held to the same accountability standards as public schools, which risks further undermining educational outcomes for all students, particularly those from underserved communities.

In conclusion, I respectfully urge you to reject the proposal of school vouchers in North Dakota in ALL of its iterations. Public dollars must be protected and stay in the public sector.

Best regards,

Dave Berger, School Board President
District 1 (Grand Forks Public Schools)
Mobile: 218.779.9872
Email: dberger100@mygfschools.org

To whom it may concern,

My name is Jenny Bittle. I was born and raised in North Dakota. I lived briefly in MN while obtaining my master's degree in child psychology. When I returned to North Dakota I worked as a school counselor for several years. The education of the children in our state is of great importance to me.

While working in the public schools I realized when I had children that public school was not where I wanted my children educated. Many of the ideologies that were being taught were against my husband and my religious beliefs. I have no problem with the schools educating our children in Mathematics, English, Science, etc. However, books being read in classrooms, movies being watched, etc went against our belief system and I felt as if religious views were being pushed on the children, just not our family's Christian belief system.

I now have three children attending Bishop Ryan Catholic School. I have a third-grader, a first-grader, and a preschool student. We couldn't be happier with the choice, even though we are not Catholic. At least at this school, I know exactly what my kids are being taught. There is a lot of transparency from the teachers, administrators, etc. about what is being taught week to week and month to month. As I said before in the public school there were wonderful teachers and they would choose fun books to read, stories to share, and videos to watch in their classrooms. However, much of the content shared went against our family's values and beliefs. Another example of how beliefs are presented is through the library. School libraries run like public libraries. However, my young children always have a parent with them helping them select books that we are okay with them reading. At a public school, children have access to books that can go against their parents' beliefs and there is no way for a parent to stop a child from checking out one of those books. Therefore, other belief systems are being presented without a parent's permission. In many ways, this is pushing belief systems (religion) upon students. To say that public schools do not have religion is false, they just have more agnostic or atheistic views that are pushed on the children. This is why I believe in this bill. All children deserve to be educated, but with the separation of church and state my children should not have to have beliefs we disagree with pushed upon them.

My understanding of the separation of church and state means the government cannot push religion on its people. Yet, by taking religion out of the school and still keeping social agendas in the education system you are pushing either atheistic or agnostic views on children which is why I believe in education choice. Setting money aside for parents to choose which educational choices are better for their children. Right now I have the choice to either send my kid to public school where they are told things that oppose our faith or I have to pay for my child to receive an education that more closely aligns with our belief system.

This is why educational choice is so vitally important to me. It isn't taking money from the public schools. Right now the state saves money because they don't have to pay to educate my children, I pay taxes, and yet I have to work extra jobs to pay for the close to \$19,000.00 my children's education will cost next year. I don't believe that this is right. Please consider that the

absence of religion is religion itself, and supporting that agenda allows the government to push a belief system on our most vulnerable citizens: school-aged children. We must give parents the option to choose how and where their children are educated. I strongly care about the education of all of the children in the state, and I would like all children to have equal access to educational choices without placing the financial burden to do so solely on parents.

Testimony in Opposition to HB1607

Submitted by Sandy Hansen, resident of Barnes County, ND

I would like to encourage the committee to give this bill a “Do Not Pass” recommendation. More studies need to be done to determine the effect on the state’s budgeting for education and how this could benefit some to the detriment of others.

Public funds that are used to send kids to private schools are vouchers, not ‘education savings accounts (ESA).’ A recent poll from North Dakota United found that 68% of North Dakota citizens do not want their taxpayer dollars paying for private school tuition. Lower-income families, students receiving special education services and students in need of extracurricular or specialized programs would be disproportionately impacted by an ESA program.

We are a rural state with limited funds available for our public schools. Re-routing public tax dollars needed for those unable to afford private education to non-public education seems a misuse of those funds without further investigation of consequences. Our public dollars would be better used on supporting our public schools and their staff.

PLEASE VOTE NO ON HB1607. Thank you.

Kristy Rose
6725 Apple Creek Drive
Bismarck, ND 58504
kristywrose@gmail.com

ND Legislature
69th Assembly

RE: HB 1607 - No

I am writing in opposition of HB 1607 and the establishment of educational empowerment accounts. state aid payments for public schools, nonpublic schools and students receiving home education.

First, this bill is unclear as to whether or not home educators are eligible for the funds proposed. This makes me nervous because many others will also be confused. I am a home educator and as the president of the biggest support group in the state, I can tell you that a vast majority of homeschoolers do not want public funding because it brings additional regulation. I appreciate the attempt of the bill sponsors to separate home education from those receiving funds in this bill, but I wish it were more clear that because one cannot file a statement of intent (SOI) to homeschool or must withdraw their SOI then they are not homeschooling and receiving this money.

Second, funding private schools with public money does not make the money private; it makes the private schools public. Former US Secretary of Education, Betsy DeVos, said in 2019 “if it's public dollars, it's public education.”

Third, this bill does not provide school choice. Parents already have the ability to choose public, private or home education. Hopefully, ND will add charter schools and micro schools to the list both of which actually add choices to the list. In states with ESAs, empowerment accounts, “money follows the student,” and vouchers, that money is used mostly by those families who are already enrolled in private school. The percentage is well over 60% and in some cases, even over 75%.

Fourth, two wrongs don't make a right. The case has been made that because of the Yellowstone School District and its agreement with TechTrep/Braintree Academy which pays families thousands of dollars to enroll virtually and participate in school-at-home that the state should then also fund private schools equally. What is happening in the Yellowstone School District is certainly wrong and could even be a violation of 15.1-07-25.4.

I will say that I love lines 24 through 28 on page 4 which expressly does not authorize any additional control or supervision over non-public schools and students. If there had been more clarity on the home education portion, I may have even been swayed to a neutral position, though I am more in favor of tax credits, tax reductions and actual school choice options like charter schools and micro schools.

For these reasons, I encourage a “do not pass” on this bill. Thank you for your consideration.

Sincerely,
Kristy Rose

Testimony on House Bill 1607

**Presented by Shane Goettle on Behalf of the State Association of Nonpublic Schools
February 5, 2025**

HB 1607

Chairman Heinert and Members of the House Education Committee, my name is Shane Goettle, and I represent the State Association of Nonpublic Schools. I appreciate the opportunity to provide support for House Bill 1607. This bill proposed to expand educational options. Its impact and implementation warrant your consideration.

HB 1607 establishes an "Educational Empowerment Account" program, allowing families to use state funds for certain authorized educational expenses outside the traditional public school system. This program offers a narrower approach to school choice than other ESA models you may be considering but still provides families with greater flexibility in directing their child's education that we presently have in this state.

Constitutional Argument for Funding Choice in Education

The opponents of funding for choice in education frequently invoke North Dakota's constitutional provisions to argue against funding for nonpublic schools. However, these arguments are legally outdated and no longer hold merit.

- **Full Context of Article VIII of the North Dakota Constitution:**
 - **Section 1:** Establishes the requirement for a system of public, emphasizing the importance of public education as a foundation for democracy.
 - **Section 2:** Mandates a uniform system of free public schools, extending through higher education, but explicitly allows for tuition, fees, and service charges to assist in financing higher education.
 - **Section 3:** Requires that all schools provide instruction on civic virtues such as truthfulness, public spirit, and respect for labor.
 - **Section 4:** Grants the legislature broad authority beyond public schools, stating that it must take additional steps to prevent illiteracy, ensure uniformity in education, and promote industrial, scientific, and agricultural improvements.
 - **Section 5:** Limits funding raised specifically for public schools from being allocated to sectarian schools but does not apply to general state funding.
- **Section 4 and Its Legislative Authority Beyond Public Schools:**
 - Sections 1, 2, and 3 focus exclusively on public education, specifically the establishment, maintenance, and governance of the public school system, ensuring free public education and directing state resources toward public schools.
 - However, Section 4 shifts the focus from public schools alone to broader educational responsibilities, instructing the legislature to take any necessary steps

to improve literacy, standardize education, and support scientific, industrial, and agricultural progress.

- This section does not limit legislative action to public schools alone but rather affirms the Legislature's responsibility to improve education as a whole, including through nonpublic schools.
- This section grants the legislature the authority to promote education broadly, including funding initiatives beyond public schools, such as parental choice programs, nonpublic school support, and specialized learning initiatives.
- By authorizing the legislature to address educational needs beyond the strict confines of the public school system, Section 4 provides clear constitutional justification for policies like the Bill you have before you.

- **Article VIII, Section 5, and the Limits of Its Application:**

- This section states that *"No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school."*
- However, it is critical to recognize that this applies only to funds specifically raised for public schools, such as local property taxes and state-allocated funds ("school lands") earmarked for public education.
- General state funds, such as the general fund, strategic investment and improvement funds, or legacy fund earnings, are not subject to this restriction and may be lawfully allocated to support parental choice initiatives.

- **Legal Precedents Supporting the Constitutionality of Parental Choice:**

- The language prohibiting certain public funds from finding their way to a "sectarian school" has its origin in the series of "Blaine Amendments" which were state constitutional language required of several states who entered the Union in the late 1800s.
- The federal Blaine Amendment, a late 19th-century provision, was introduced as an effort to prohibit public funds from being used for religious education. Though this attempt at a federal constitutional amendment failed, many states, including North Dakota, incorporated similar provisions into their constitutions. These provisions were largely driven by religious discrimination rather than neutral funding policies. Over time, legal challenges have significantly weakened the enforceability of these amendments.
- The U.S. Supreme Court has ruled that excluding religious schools from generally available public benefits violates the Free Exercise Clause of the First Amendment.
- *Espinoza v. Montana Department of Revenue* (2020): The U.S. Supreme Court ruled that a state cannot exclude religious schools from generally available public benefits simply because they are religious in nature. Montana's attempt to prohibit religious schools from receiving funds under a tax credit scholarship program was deemed unconstitutional under the Free Exercise Clause of the First Amendment.
- *Carson v. Makin* (2022): The Court expanded on *Espinoza*, ruling that if a state provides a public benefit program that includes private education options, it

cannot prohibit funds from being used for religious schools solely based on their religious identity.

- *Pierce v. Society of Sisters* (1925): This landmark case affirmed that parents, not the state, have the fundamental right to direct the education of their children, reinforcing the validity of school choice initiatives.
- **North Dakota Attorney General's Opinion 2022-L-07** made it clear that the Blaine Amendment language in the North Dakota's constitution is unenforceable under federal law. The opinion affirmed that state policies must align with U.S. Supreme Court rulings, which have struck down state attempts to exclude religious schools from generally available public benefits. While the opinion addressed teacher support grants, its broader legal implication is that state restrictions based on religious affiliation cannot be upheld where they contradict federal constitutional protections.

Accountability of Nonpublic Schools

Another concern often raised regarding choice in education is whether nonpublic schools operate without sufficient oversight. This is simply not true.

- **North Dakota has some of the strictest nonpublic school regulations in the country:**
 - North Dakota is one of only two states in the nation where nonpublic schools must meet approval requirements identical to public schools.
 - It is the only state that requires all nonpublic schoolteachers to be state-certified, ensuring that students receive high-quality instruction.
 - **SOURCE:** See attached "*Regulation of Nonpublic Schools*" and "*How does North Dakota rank in its treatment of nonpublic schools?*"
- **Nonpublic schools must adhere to extensive state regulations**, including:
 - Approval by the North Dakota Department of Public Instruction to operate any elementary or secondary nonpublic school. *N.D. Cent. Code §15.1-06-06*.
 - Mandatory teacher certification. *N.D. Cent. Code §15.1-18-07, -08, & -09*.
 - Same length of school year and days. *N.D. Cent. Code §15.1-06-04 (sections 3 and 6)*.
 - Meet state curriculum standards. *N.D. Cent. Code §§15.1-21-01 & -02, 15.1-21-02, §15.1-21-24*
 - Compliance with health and safety codes applicable to all educational institutions. *N.D. Cent. Code §§15.1-06-10, 23-07-16, 15.1-06-12, 15.1-18.2-04, 15.1-19-22.3*.
- **Nonpublic schools are directly accountable to parents.** Unlike public schools, which assign students based on geography, nonpublic schools must continuously earn parental trust and enrollment through academic quality, transparency, and student success.

Conclusion

HB 1607 introduces a modest proposal for school choice options in North Dakota. While it is a step toward recognizing the importance of educational flexibility, it is not as expansive as some

other ESA models you have to consider. Still, it moves that conversation forward and we encourage the committee to consider this bill as well as explore other ways to strengthen our education choice policies for families seeking educational alternatives.

Thank you for your time and consideration.

Regulation of Nonpublic Schools

Eight States Require All Nonpublic Schools to be Approved by the State

Maine
Maryland
Massachusetts
Michigan
New Hampshire
North Dakota
Rhode Island
Washington

In Only Two of those States are the Approval Requirements for Nonpublic Schools Identical to the Requirements for Public Schools

Massachusetts
North Dakota

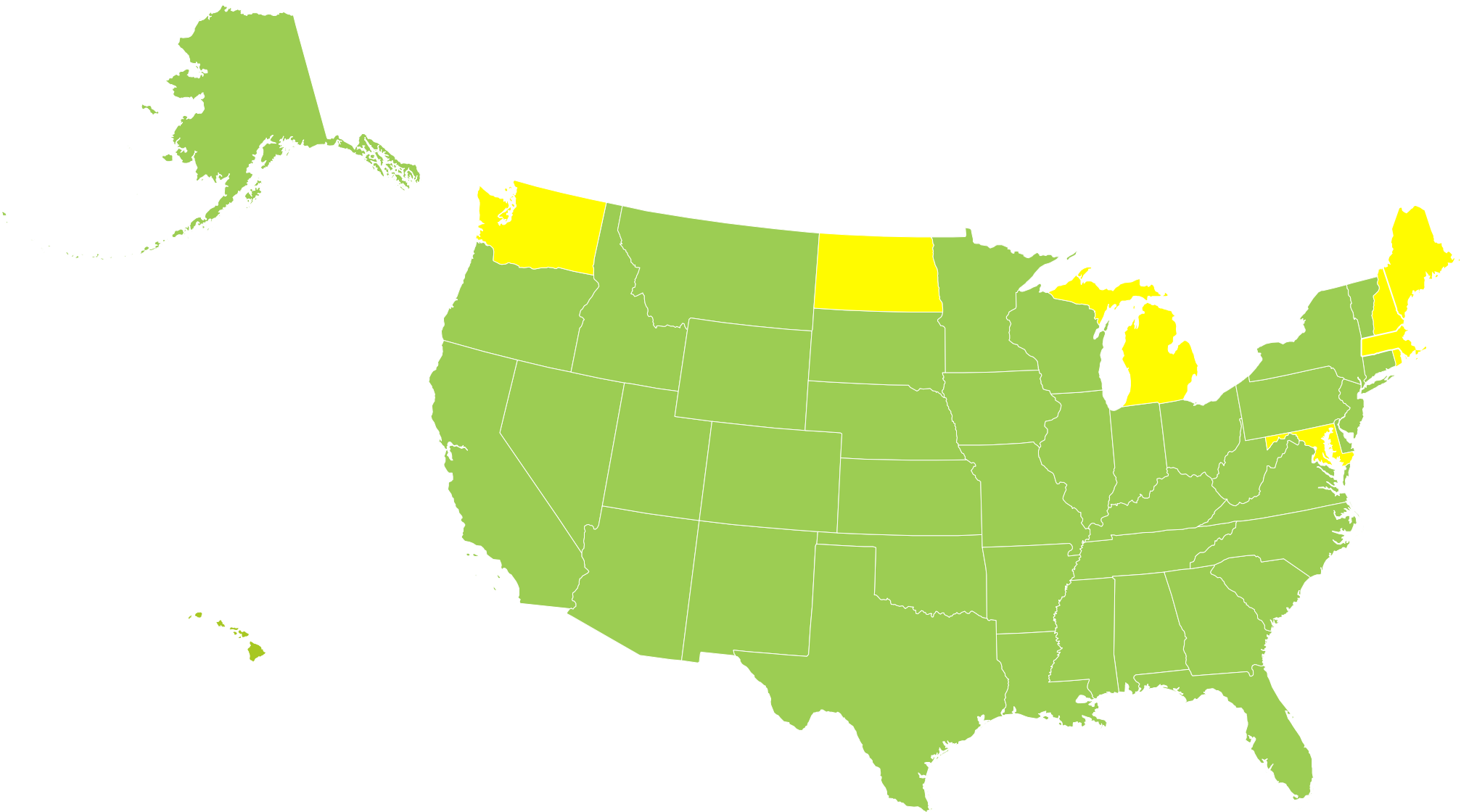
Only one of those Two States Requires Nonpublic School Teachers to be Licensed by the State

North Dakota

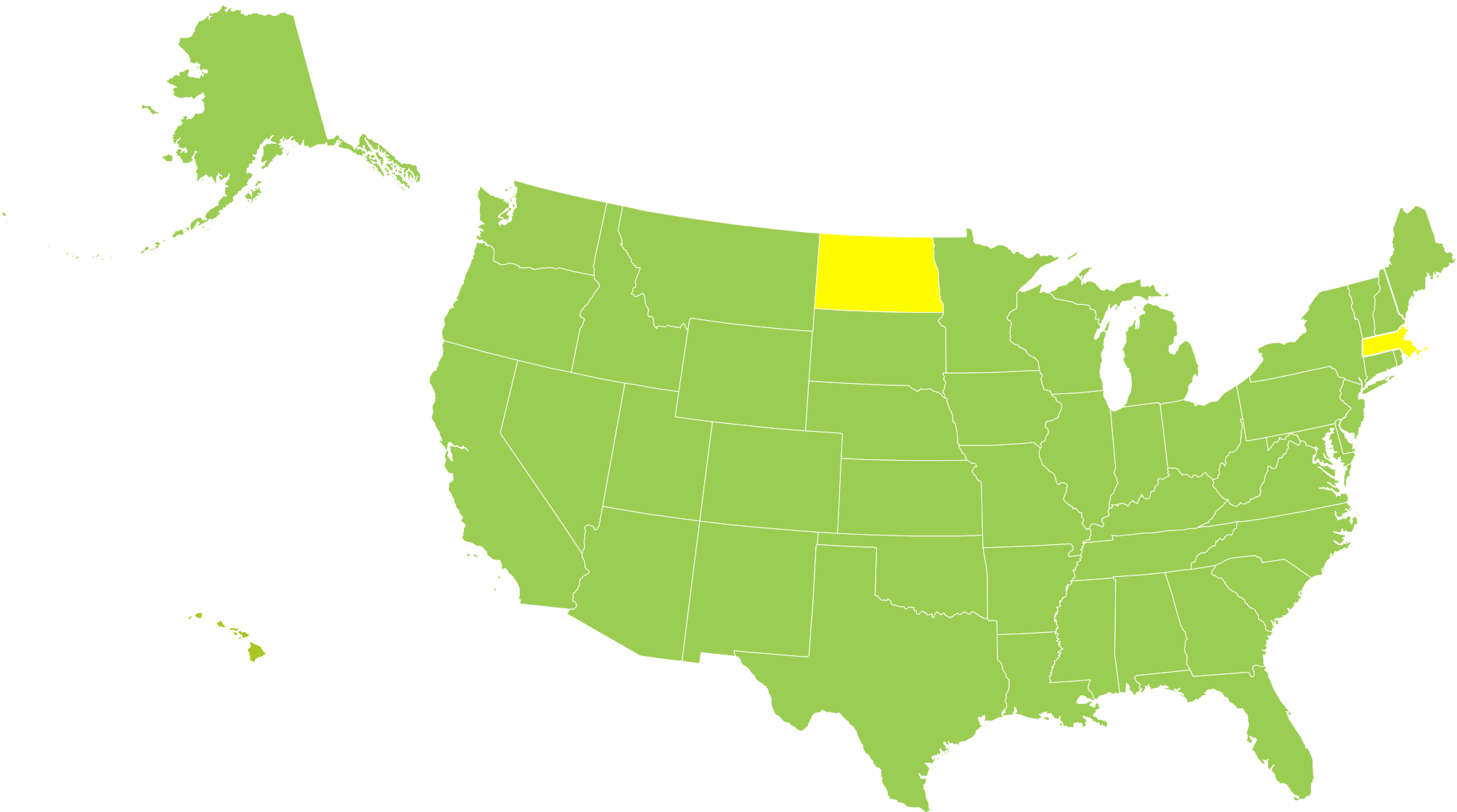
This leaves North Dakota as the only state in the nation that mandates both state approval for nonpublic schools identical to that for public schools and state licensed teachers in nonpublic schools.

SOURCES: STATE REGULATION OF PRIVATE AND HOME SCHOOLS, U.S. DEPARTMENT OF EDUCATION, 2025; SPECIFIC STATE LAWS.

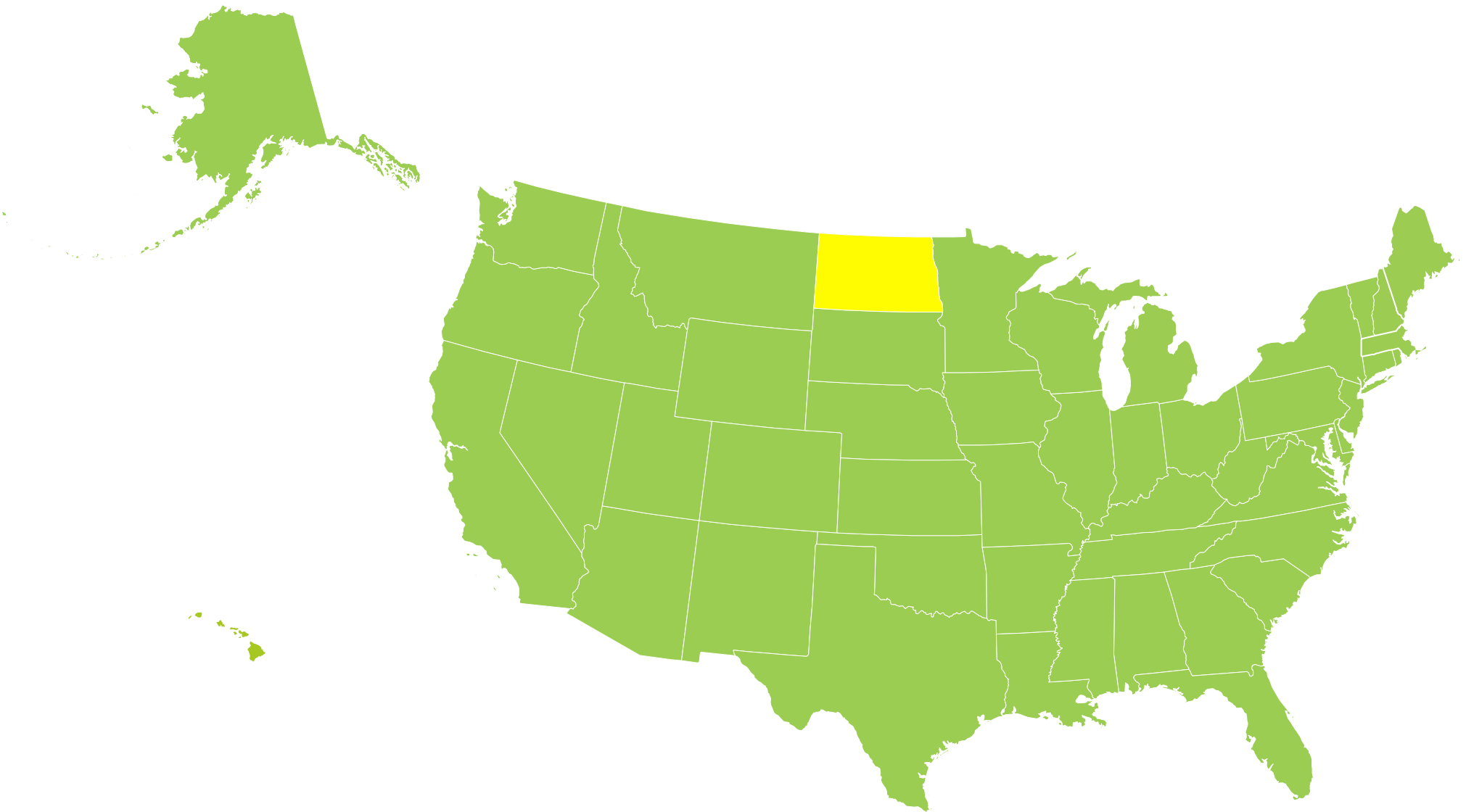
**How does North Dakota rank in its
treatment of nonpublic schools?**



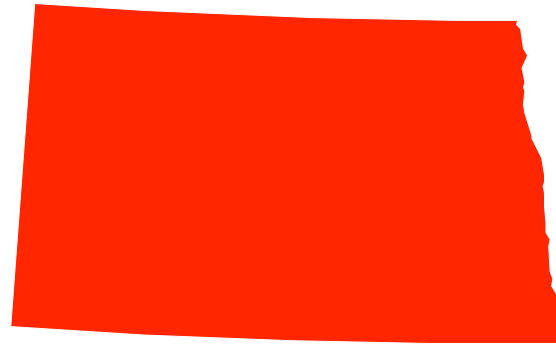
Only eight states require state approval of all nonpublic schools.



In only two of those states are the approval requirements identical to public schools.



Of those two states, only one requires classes to be taught by certified teachers.



This leaves North Dakota as the only state that mandates both state approval identical to public schools and state certified teachers.

Sources: State Regulation of Private and Home Schools, U.S. Department of Education, 2025; specific state laws.

North Dakota House Education Committee
North Dakota Legislative Assembly
600 East Boulevard Avenue
Bismarck, ND 58505

02/05/2025

Subject: In Opposition of Using Public Dollars for Private Education

Dear Members of the House Education Committee,

I am writing to express my strong opposition to HB 1607, HB 1590, SB 2400, and HB 1540, all of which propose the allocation of public funds to private education. As a North Dakota resident and advocate for equitable education, I urge you to consider the significant consequences these bills would have on our public school system and rural communities.

Public schools are the backbone of our education system, serving all students regardless of socioeconomic status, academic ability, diagnoses, or geographic location. Diverting public funds to private institutions undermines the very purpose of public education by redirecting critical resources away from schools that are already underfunded and facing challenges in staffing, programming, and infrastructure.

Additionally, the majority of North Dakota's rural communities do not have access to private schools. If public funds are directed toward private education, families in these areas will receive no benefit while still contributing tax dollars to a system they cannot access. This creates a clear inequity, favoring urban and more affluent populations at the expense of rural students. Public funds should serve the public good, ensuring that every child, regardless of where they live, receives a high-quality education.

Furthermore, private schools are not subject to the same accountability measures as public schools. They are not required to accept all students, including those with disabilities, behavioral challenges, or English language learners. Public dollars should not support institutions that have the ability to exclude students based on their own selective criteria.

I urge you to uphold the integrity of North Dakota's public education system by opposing HB 1607, HB 1590, SB 2400, and HB 1540. Our state's priority should be strengthening public schools so that every child, in every community, has access to a well-funded, high-quality education.

Thank you for your time and consideration.

Sincerely,

Jessica Nolz
Special Education Teacher

Hello,

I am writing to urge you to oppose the following six bills that propose using public dollars to fund private schools:

- HB 1540
- HB 1590
- HB 1607
- SB 2295
- SB 2303
- SB 2400

Regardless of how these bills are labeled—whether as education savings accounts, scholarship programs, or otherwise—if they divert public funds to private schools, they essentially function as vouchers.

I have spent ten years teaching in both public and private K-12 schools in Devils Lake, ND. The disparity between what public and private schools offer is significant. Public schools accept every student, ensuring that every child has access to education. This inclusivity demands a broad range of services and the ability to meet diverse needs, which, in turn, requires adequate funding.

I was proud to work at a private school in Devils Lake that went to great lengths to accommodate all students, providing necessary services without discrimination. However, the critical difference was that this private school has strong financial stakeholders and tuition fees to support these additional costs.

I want to emphasize that my stance is not to vilify private schools or the families who choose them. I believe our tax dollars should remain within the public education system. Having firsthand experience, I am acutely aware of the struggles classroom teachers face to provide even the bare minimum for their students. Public schools are not seeking extravagant raises, new buildings, or top-tier resources. What they are requesting, and what I am advocating for, is that tax dollars allocated for education should stay within public schools.

Finally, the majority of school districts in our state do not have access to private schools. From my observations, it is primarily our larger communities that benefit from private education options. These larger communities also enjoy a more substantial tax base, resulting in higher tax revenues for their schools. Diverting public funds to private schools would not only deprive our rural public schools of essential resources but also fail to benefit rural families who lack access to private education options.

Please oppose these six “voucher” bills and fight to keep public funds in the incredible public schools throughout North Dakota.

Catherine Benton

620 28th Ave S
Grand Forks ND 58201
701.412.7917

Testimony of Jeannie Nasers

Before the North Dakota Senate Education Committee on HB 1607

SUPPORT

February 5, 2025

Thank you, Chairman Heinert, and members of the House Education Committee for providing the opportunity to submit written testimony in support of HB1607. My name is Jeannie Nasers. I live in District 34, and I am a product of Catholic school education and a parent who has chosen to enroll my four children in Christ the King Catholic Montessori School.

I strongly support HB1607, as well as any legislation that upholds parents' right to direct their child's education. Every child deserves an education that meets their unique needs, nurtures their dignity, and reinforces the values instilled at home. My family currently makes significant financial sacrifices so that our children can attend a private school, and while we believe the investment is worth it, the assistance provided by SB 2303 would greatly ease this burden. More importantly, it would allow more families the opportunity to choose the best educational environment for their children, regardless of financial means.

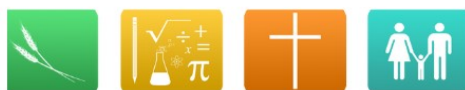
As both a former student and now a parent, I have personally experienced the profound impact of a faith-based education. Growing up, my Catholic school provided more than just academic instruction—it offered a community that fostered character, independence, and a deep sense of self-worth. As a child with a learning disability, I was not just another student; I was surrounded by teachers who saw my potential and classmates who shared a commitment to virtue and personal growth. Now, I want my children to experience that same kind of nurturing environment—one where faith and education are seamlessly integrated, where they hear at school the same truths we teach at home: that they are valuable, that they matter, and that they have a responsibility to serve others.

HB1607 would ensure that families **who are already contributing tax dollars to education** have the ability to direct a portion of those funds toward the schooling option that best serves their children. This bill would relieve a financial strain on many families while empowering them to make the best educational choices for their children. I urge you to vote in favor of HB1607 so that all parents, regardless of income, have the ability to choose the educational path that best fits their child's needs. Thank you for your service to North Dakota and for your time on this important matter.

Thank you for your service to the state of North Dakota and for your time in considering HB1607.

Sincerely,

Jeannie Nasers



North Dakota Home School Association

Serving Home Educators since 1985

HB 1607
No

Chairman Heinert and Members of the House Education Committee,

My name is Theresa Deckert and I am writing on behalf of the North Dakota Home School Association (NDHSA) in opposition of HB 1607. We are the only statewide home school association and have support groups throughout the state affiliated with us. We are also the organization that has fought for homeschool freedom since 1985 and the freedom families have to homeschool today is because of our efforts over the years. We do not want to see those freedoms eroded through the allocating of state funds to home educators

For the last several sessions I have worked to educate legislators on home education and why the majority do not want state monies. Homeschoolers are very independent folk who highly value their freedoms!

I must thank the writers of this bill as I think they do understand and have written the bill in a way that requires home educators to withdraw their Statement of Intent (SOI's) in order to receive these dollars. So in essence they would no longer be a homeschooled student according to current state law.

It would appear that an ESA student could still be educated at home, but not considered a homeschool student under the homeschool statute. That is fine, but I think there needs to be **further clarity** concerning this.

So we stand in opposition to HB 1607 and would urge a "do not pass" as written. If the committee wants to look at the bill and **consider an amendment**, I would be happy to visit with any member. I am sorry I could not be there in person because of previous commitments, but will spend Thursday afternoon at the Capitol and I hope to have a chance to visit with a few of you.

Thank you committee and the bill sponsors on the work done. I do not envy your position!

Sincerely,

Theresa Deckert 701-662-4790
Legislative Liaison/Lobbyist
North Dakota Home School Association



Brandon Baumbach
Business Manager

Department Phone: 701.787.4885
Direct Phone: 701.746.2205, Ext. 7126
Fax: 701.772.7739
bbaumbach020@mygfschools.org

Representatives,

I am writing to express my strong opposition to the proposed educational empowerment account program; very similar to Educational Savings Accounts (ESAs). As a K-12 school administrator, I have serious concerns about the long-term impact such a program would have on public education, student equity, and the responsible stewardship of taxpayer dollars.


Public schools are the backbone of our communities, serving all students regardless of ability, background, or socioeconomic status. ESA programs divert critical funding away from public schools, weakening our ability to provide high-quality education, maintain facilities, retain highly qualified teachers, and offer essential student services. Public schools are already underfunded, and further reductions in funding will only exacerbate disparities and hinder student achievement.

Unlike public schools, which are held to rigorous academic and financial accountability standards, private institutions and other education service providers that benefit from ESAs often operate with minimal oversight. This lack of accountability raises serious concerns about the effectiveness and appropriate use of taxpayer dollars. Moreover, there is little evidence to suggest that ESA programs lead to better academic outcomes for students, particularly for those from disadvantaged backgrounds.

Additionally, ESAs do not provide a viable solution for many rural families. In areas with limited private school options, families may find themselves unable to utilize ESA funds effectively, while their local public schools suffer from reduced resources. This creates an inequitable system that disproportionately benefits families in urban areas while neglecting those in rural communities.

I urge you to oppose HB 1607 and instead focus on investing in public education—ensuring all students have access to high-quality teachers, well-equipped classrooms, and the support services they need to succeed. Strengthening our public schools should be our priority, not diverting funds to programs that primarily benefit a select few.

Thank you for your time and consideration. I welcome the opportunity to discuss this matter further and advocate for policies that truly benefit all students.

 Mark Sanford Education Center
2400 47th Ave. S
Grand Forks, ND 58201-3405

 PO Box 6000
Grand Forks, ND 58206-6000

 www.gfschools.org

Equal opportunity employer

Grand Forks School District prohibits discrimination and harassment based on race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, disability, age, or other status protected by law. The District also provides equal access to the Boy Scouts and other designated youth groups, as required by federal law.

February 4, 2025

Dear members of the North Dakota House of Representatives Education committee, my name is Darrel Lund and I am a retired teacher of 42 years in the West Fargo Public School system. As I wrote about SB 2295 to your committee yesterday, I am opposed to HB 1607 which authorizes a transfer of the per pupil payment into a student's educational empowerment account for students eligible to enroll in a North Dakota public school but have not enrolled into a ND public school or filed intent to home school paperwork. The fiscal note estimates the cost to fund these students is **\$175,480,128!** Per pupil payment is currently set at \$11,072 per student. HB 1369 may increase the per pupil payment for the 2025-2027 biennium which would **increase the cost** of HB 1607.. The fiscal note also assumes just over **\$3.5 million for the first biennium** to contract with a vendor to set up the educational empowerment accounts and debit cards authorized in this bill. This shift of public dollars to private schools is preposterous and unacceptable.

I am a member of Holy Cross Catholic Church in West Fargo and support the church and school financially. That is my choice. As we were reminded by Bishop Folda during the past week celebrating Catholic Schools Week, there are options for families that cannot afford the cost of tuition to attend Catholic Schools.

One of the ways the state already provides support for parents of private school children is the deduction of tuition on North Dakota income tax. If the state insists on following through with these assaults on public school funding, I will be less inclined to support the schools of the JP II Catholic School system.

Again, when considering bills that use public dollars to support nonpublic schools, answer this question; **How does this bill strengthen our public schools?**

I urge you to recommend **Do Not Pass** and continue to strengthen public-schools by covering 100% of the cost to educate every North Dakota student in K-12 public schools and offering relief for overburdened property owners.

Thank you,

Darrel Lund

House Bill 1607
House Education Committee -- Representative Pat D. Heinert, Chair
February 5, 2025
Testimony in Opposition to HB 1607

Chairman Heinert and Members of the House Education Committee, I am Vicki Voldal Rosenau, a parent and resident of Valley City, ND. Thank you for this opportunity to offer my testimony in opposition to House Bill 1607.

On Monday, Supt. Kirsten Baesler addressed this committee regarding a recent Presidential Executive Order on enhancing educational freedom and opportunities. In North Dakota, the only logical and responsible way for education planners to expand such opportunities is to build on the considerable (and commendable) targeted investments that the State has very recently made in educational innovations WITHIN THE PUBLIC-SCHOOLS SYSTEM.

Because HB 1607 would actually undermine that existing system, it should be rejected. In support of this position, I would like to offer three points:

- 1) A strong majority (68%) of the ND voters whom you represent do NOT want any diversion of public money to pay for private school tuition. Yet, 65% of voters do support increased spending for public schools.
<https://www.kvrr.com/2025/01/06/north-dakota-united-survey-show-residents-oppose-private-tuition-vouchers/>
<https://northdakotamonitor.com/2025/01/06/poll-north-dakotans-support-free-school-lunches-sour-on-public-dollars-for-private-tuition/>
<https://ndunited.org/news-media-center/press-releases/new-polling-highlights-north-dakotans-priorities-expectations>
- 2) There is strong evidence that academic achievement is actually LOWERED for students who are removed from public schools and instead placed in private facilities. At best, research is inadequate and conflicted. As James Vukelic of Bismarck has publicly stated, "Apparently, when it comes to homeschooled students we really don't know, to quote former President George W. Bush, 'Is our children learning?'"
https://bismarcktribune.com/opinion/letters/letter-serious-research-needed-before-spending-public-money-on-school-vouchers/article_4d1376c8-da71-11ef-9b48-b399fe74e40a.html
- 3) The claim that ND can appropriate TAX dollars for private schooling without defunding cash-strapped public schools is flatly dishonest. Allocating our finite tax dollars IS a "zero-sum game," because taxpayers cannot and will not go along with paying ever-increasing taxes. Future allocations for public schools will inevitably be lessened if ANY tax dollars are diverted to private facilities.

Particularly in light of the challenges described by Supt. Baesler, we need to work together to strengthen our currently-underfunded public schools, instead of siphoning off public money for non-public entities. As you heard in compelling testimony yesterday morning, public schools across the state are already creating wonderfully-innovative educational opportunities for all our students.

Let's redouble those already-launched, innovative initiatives in order to fully meet the new demand for increased educational opportunities – **all within our traditional public-schools network**. In order to accomplish that, I urge you to recommend "Do Not Pass" on HB 1607.

Thank you for your consideration,
Vicki Voldal Rosenau, Valley City

February 4, 2025

Dear Member of the House Education Committee,

I am a resident of Grand Forks and a parent of two children currently enrolled in Grand Forks Public Schools. I am writing to you today to ask that you give HB1607 a DO NOT PASS recommendation in your committee and vote against this bill.

HB1607 would divert millions of public dollars into private schools. Public dollars are limited and public dollars should not go towards paying for the private school costs of privileged families. Private schools are not held to the same standards and accountability as public schools. Public schools are required to serve all children in our state. Private schools are not required to serve all children and may exclude students for any number of reasons.

If there are millions of public dollars available, they should go to support our public school system, teachers, and students - not a select group of students, families, and education providers who have the extra resources to afford private education. The vast majority of families in our state cannot afford private school tuition and/or do not have access to private school options (especially those in rural communities across the state). As a result, these sorts of schemes will simply exacerbate education inequalities rather than provide a public good that benefits all families of school age children.

In short, this bill is not a good use of public funds. I ask that you give HB1607 a DO NOT PASS recommendation out of committee.

Sincerely,

Liz Legerski
Grand Forks, ND



North Dakota
House of Representatives
STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Matthew Heilman

District 7
5501 Flatrock Drive
Bismarck, ND 58503-8929
mheilman@ndlegis.gov

COMMITTEES:

Education
Political Subdivisions

February 5th, 2025

Mr. Chairman and members of the Education Committee,

My name is Matt Heilman, and I'm a state representative from North Dakota's seventh legislative district. I am here today to testify in favor of HB 1607.

This bill is identical to a bill that was recently introduced in South Dakota. HB 1607 establishes an ESA for students equivalent to the per pupil payment which is \$11,072. I had some concerns brought up to me about the debit cards on page four line two. However, the following section does provide for accountability to make sure the funds are used appropriately. Mr. Tescher from the Department of Public Instruction noted in the fiscal note that the department could not implement this bill in time for the 2025-2026 school year due to IT concerns. If this bill were to pass, we may have to amend the effective date or make other accommodations for DPI. Mr. Chairman and members of the committee, I will stand for whatever questions you may have about the bill.



1 **Testimony in Opposition to House Bill 1607**

2 Chairperson and Members of the Committee...Thank you for the opportunity to testify today.
 3 We come in opposition to this bill due to its violation of our state's foundational commitment to
 4 public education, its detrimental impact on rural communities, and its misalignment with public
 5 sentiment regarding education funding priorities.

6 **Our Founders' Commitment to Public Education**

7 The framers of North Dakota's Constitution made a clear and deliberate choice to prioritize
 8 public education as the foundation of our state's future. They obligated us to **fund and**
 9 **strengthen public schools**—not to subsidize private education. Our state's education funds were
 10 never intended to support private choices but rather to build a strong, **uniform system of free**
 11 **public education** for every child, in every community.

12 This principle was deeply rooted in the experiences of many early settlers, who had immigrated
 13 to the United States seeking refuge from **religious persecution and sectarian conflicts** in
 14 Europe. Yesterday we heard one of the representatives from Bishop Ryan talk about this – he
 15 was right – there was a LOT of religious disagreement at the beginning of our state. Much might
 16 still exist. Our forefathers understood firsthand the dangers of entangling government with
 17 religious institutions and sought to establish an education system that was **free, fair, and**
 18 **accessible to all**, regardless of religious background. The decision to exclusively fund public
 19 schools was not merely a financial one—it was a deliberate commitment to **unity, equal**
 20 **opportunity, and the separation of church and state** to ensure education remained a **public**
 21 **good** rather than a tool for division. The decision of whether it is constitutional or not in North
 22 Dakota has not yet been debated at our supreme court, however, for years and years, and dozens
 23 of votes by your predecessors to keep our educational investment to what our forefathers stated
 24 was constitutionally required.

25 House Bill 1607 disregards this constitutional commitment and sets a dangerous precedent that
 26 could erode the very principles upon which our public education system was built.

27 **Preserving Rural Communities and Our Agricultural Leadership**

28 I've been working with the legislature since 2011 when I was at the NDUS office. Every session
 29 there have been attempts at funding private schools and every session the body has voted no.
 30 Why? I believe there are multiple reasons, but one big one is because public schools are the
 31 heart of **North Dakota's rural communities**. They are not just places of learning but serve as
 32 hubs of civic engagement, economic stability, and community growth. Our **agricultural sector**,
 33 which plays a **leading role on the world stage**, depends on strong rural schools to educate the
 34 next generation of farmers, agribusiness leaders, and skilled workers. Diverting public funds
 35 away from these schools weakens the backbone of our **rural economy** and undermines our
 36 position as a global agricultural leader.



Rural school districts already face financial challenges, including declining enrollments and high operational costs. House Bill 1607 would only **exacerbate these struggles**. **Every state that has gone down this route has eventually seen a decline in public school funding**. I'd hate to see **this force** rural schools to cut critical programs, consolidate schools, or even close their doors—leaving communities without essential educational services.

Public Sentiment: Prioritizing Property Tax Relief and Free Meals Over Private School Subsidies

North Dakotans have spoken clearly in recent validated non-partisan surveys: the **top funding priorities** should be **property tax relief** and ensuring **free meals for students**, not subsidizing private education. There was strong approval for ESA's but not for having an allowance for private school tuition. Parents and taxpayers alike have expressed strong support for public education and other services funded by tax dollars, yet this bill diverts resources away from those initiatives to **primarily benefit families who are already enrolled in private schools**.

Accountability?

Public schools are accountable for every penny. All the way down to running to Walmart to buy poster board to hang in the classroom. I question if our ND patrons are really ok with spending \$179M without that same accountability? I'd venture to say satisfaction would be higher to have that go toward property tax relief or meals for all students. Please consider that popular choice that brings us together rather than what divides us.

Conclusion

House Bill 1607 represents a **fundamental shift away** from our state's constitutional and historical commitment to public education. It threatens our **rural communities**, **diverts funds from our agricultural workforce**, and ignores **public priorities** that call for investment in **property tax relief and free student meals**—not private education subsidies.

For these reasons, I strongly urge the committee to **reject** this bill and instead focus on **fully funding and strengthening North Dakota's public education system**, as our **founders intended and as our citizen's demand**.

Thank you for your time and consideration. I welcome any questions the committee may have.



*Great Public Schools**Great Public Service*

Testimony Before the House Education Committee HB 1607 February 5, 2025

Chairman Heinert and members of the Committee, for the record my name is Nick Archuleta, and I am the president of North Dakota United. I am pleased to be before you today to offer testimony in opposition to HB 1607 and urge a ***do not pass*** recommendation for this proposed legislation.

Members of the Committee, HB 1607 seeks to codify a provision creating educational empowerment accounts for authorized educational expenses. Authorized educational expenses such as technological devices, registration fees for advanced placement examinations, nationally standardized achievement tests, and examinations related to postsecondary admission, and others are worthy of public investment. If the bill stopped there, I would be testifying in favor. However, HB 1607 also allows for money raised for public education and other public purposes to be used for private school tuition, and that is something that ND United has historically opposed. We are opposed to such expenditures because diverting public money to private schools strains the resources available to public schools which they need to fulfill their promise and Constitutional obligation to provide a solid education for every child that walks, runs, rolls, or gets carried through our schoolhouse doors.

Chairman Heinert and members of the Committee, I respectfully request a ***do not pass*** recommendation for HB 1607.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

1224 West Owens Avenue
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www.ndsba.org

HB 1607
Testimony of Amy De Kok
House Education Committee
February 5, 2025

Chairman Heinert and members of the House Education Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. I am here to express our opposition to HB 1607, which proposes the establishment of the Educational Empowerment Account voucher program. While the bill purports to offer educational choice, it ultimately undermines public education by diverting critical funds away from our public schools, which serves more than 90% North Dakota students.

Diversion of Public Funds

HB 1607 effectively diverts public education funds to private and nonpublic entities without adequate oversight. The bill applies only to students who attend nonpublic schools and calls for the transfer of the entire per-pupil payment for each such student to a debit card for use by the parent. By providing state-funded debit cards to parents for a range of educational expenses, the bill diminishes the resources available to public schools, which are already struggling with limited budgets and increasing demands. Every dollar allocated to an educational empowerment account is a dollar removed from the public school system, reducing its ability to support teachers, special education programs, and essential student services. Notably, only 9% of K-12 students in North Dakota attend private schools—approximately 11,556 students—while 116,724 students are enrolled in public schools. This bill disproportionately impacts the vast majority of students who rely on public education.

Voucher programs, like HB 1607, do not simply shift funds that would have been spent on public school students to pay for their private education. When states establish voucher programs, families already paying for or planning to use private education often participate. Data from several states shows that 70-80% of their voucher students were already attending private schools. This means that public dollars are subsidizing private education for families who were already covering these costs, rather than expanding educational opportunities for low-income students.

Public schools, which serve the vast majority of students, have substantial “fixed costs.” Because students who take vouchers exit different schools, grade levels, and classrooms, public school districts are not able to proportionally reduce facilities, staff, programs, and other fixed costs to fully offset the loss of funding that is diverted to voucher programs. HB 1607 does nothing to change this.

Private schools can refuse to admit or provide adequate services for students with disabilities, English learners, and others who require increased resources for an equitable education, meaning these students are more frequently educated in public schools. Parents may also return their children to public schools when they realize they are not receiving the essential services and legal protections available there. Public schools require increased resources to serve students with elevated needs, even as public funds are diverted to pay for vouchers.

Lack of Accountability and Oversight

The bill establishes a mechanism for distributing taxpayer dollars with minimal accountability measures. While the superintendent of public instruction is authorized to conduct random audits and investigate fraud, the bill lacks a comprehensive framework to ensure that funds are used strictly for educational purposes. The potential for misuse, coupled with limited regulatory oversight, creates opportunities for waste, fraud, and abuse.

Voucher programs that direct public dollars to private institutions, as HB 1607 does, should be held to the same accountability measures as public schools. However, voucher programs often lack essential quality standards. Such programs actively resist public accountability and transparency measures, leading to gaps in data collection, academic standards, and fiscal responsibility. Voucher programs have been prone to fraud and mismanagement, as demonstrated in investigations of similar programs in other states. For example, Florida’s voucher program allowed schools to hire teachers without college degrees and falsify fire safety and health records, while an Arizona Auditor General report found that hundreds of thousands of public dollars intended for vouchers were misused on fraudulent purchases. Without stringent oversight, HB 1607 risks creating similar vulnerabilities in North Dakota’s education system.

Impact on Rural Communities

Rural school districts will be disproportionately affected by this legislation. Many rural areas have few or no private schools, meaning the tens of thousands of North Dakota students in rural districts would see little to no benefit from a voucher program. Although rural students would be unable to utilize vouchers to attend private schools, a voucher program would still drain tens of millions of dollars per year from the state’s public school system. Rural schools serve as the heart of their communities and already

face unique strains on their resources. The reduction in funding caused by this bill would further burden these schools, leading to potential staff reductions, program eliminations, and school closures, ultimately harming the students and families who rely on them the most.

For the reasons outlined above, I urge you to reject HB 1607. Instead of funneling public dollars into private education accounts, we must prioritize investment in our public school system, ensuring that all students—regardless of their socioeconomic status or geographic location—continue to receive a quality education.

Thank you for your time and consideration.

Hello House Education Committee,

I'm Dora Tschosik, a resident of District 34 and a parent who has chosen to enroll a child in Light of Christ Catholic School.

I firmly support HB 1607 and all school choice bills that uphold parent autonomy and the right to provide an education for my child. I support because it provides my child an environment he wishes to gain an education. We made the switch from public to private school 6 weeks into the current school year. Despite our efforts, the public school system was much too large for him. He was refusing to go to school and at just 10 years old we knew we needed to make a change quickly. We chose a faith-based education in order for him to succeed. He enjoys Light of Christ Catholic School and happily goes each and every day. Some of the reasons he enjoys going are smaller class size, the close connections with teachers and peers, religion, engagement in the classroom and day to day activities/education. I strongly feel if we kept in the public school system, we would've set him up for failure in continuing his education. What works for many isn't always the best fit for every child.

I believe that having school choice/parent choice will positively impact my family. I urge you to vote in favor of HB 1607. Thank you for your service to the state of North Dakota and your time on HB 1607.

Sincerely,
Dora Tschosik

Testimony for 2.5 HB 1607

Chairperson and members of the committee, thank you for the opportunity to speak today on the importance of school choice. My name is Nick Lee, and I serve as the principal of St. Catherine School. I am also a husband and the father of three boys. Before stepping into this role, I spent my early career as a teacher and coach in public schools, dedicated to helping students learn and grow.

My journey to St. Catherine School was, without question, part of God's plan. When I was called to serve as principal, I was also given an opportunity that my family deeply needed—the ability to bring my children to school with me. Our oldest son began his education in our local public school, and while he had wonderful teachers, he struggled for a number of reasons. As parents, we could see that he needed something different, but the reality was that affording a Catholic education wasn't easy for us. Without the opportunity that came with my role, I'm not sure we would have been able to send our boys to St. Catherine School, even though it has been where our oldest has truly thrived.

As a principal, I witness firsthand the sacrifices families make to provide their children with the education they believe is best. Parents carefully budget and spread tuition payments over 12 months to make Catholic education possible. I see families applying for tuition assistance, seeking any support to allow their children to grow in faith and academics. I see our parish community stepping in to help subsidize the cost because they, too, believe in the value of this education. I also see the families who long for a Catholic education but cannot afford it, no matter how much they stretch. Some piece together tuition from different sources—grandparents helping with part, parents covering the rest—but the financial burden remains too great for others.

School choice is not about competition between public and private schools but about ensuring parents can choose what is best for their children. Every family's situation is unique, and the ability to select the right educational environment should not be limited to those with financial means. Our public schools do great work, but they are not the right fit for every child. Families deserve options, and economic barriers should not determine whether a child can receive the education they need to thrive.

I support school choice because I have seen its impact on my own family and on countless others. I urge you to consider policies that empower parents to make the best decisions for their children, regardless of their income level. When families have true educational freedom, children win. Thank you for your time and consideration.

**Testimony on
February 5, 2025, 8:30 A.M.
House Education Committee
Representative Heinert, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1607

Good afternoon, Chairman Heinert and House Education Committee Members,

My name is Marya Skaare. While this is largely a duplicate of my testimony for other education choice-related bills, I would be remiss if I didn't demonstrate my support for all legislation designed to support ND students, and for the legislative body to review all of the proposed legislation and determine the best course of action to achieve the desired outcome for all students. I am the current President of Trinity Catholic Schools in Dickinson and more importantly, I am a mom with my youngest now in her sophomore year of high school, so this bill is of great interest to me and could be of great impact to the families who entrust their children's education to our state's nonpublic schools or those who desire to do so, but haven't had the means to do so. Thank you for the opportunity share my testimony in support of school choice in North Dakota. Just off of National School Choice Week—which has been formally proclaimed in ND for the last eight years—as well as the 49th Annual Catholic Schools Week, the timing of this hearing could not be more providential. I especially appreciate Gov. Armstrong's comment in his School Choice Week proclamation that "citizens across the state of North Dakota agree that improving the quality of education remains a pressing concern for the state's leaders," and "every person deserves and recognizes the role of an effective education and the immeasurable value it adds to their development and growth." This sentiment is evident now more than ever with President Trump's recent executive order aimed at expanding educational freedom and opportunities for families. I am encouraged by the number of proposed bills this session geared toward helping families with education expenses related to their school age children. I stand today in support of HB 1607, but more so, I stand

**Testimony on
February 5, 2025, 8:30 A.M.
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Representative Heinert, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of HB 1607

in support of the wisdom of our legislative body in North Dakota to work through these bills, finding the right solution for North Dakota's students and their families that will work effectively with anticipated federal legislation. Born, raised and educated in North Dakota, I am a product of our State's strong system of public schools from a small community where, like the majority of North Dakota, there was not a non-public school option available. Even today, less than 7% of school-age students in ND attend a non-public school. Even with the modest number of non-public options, my children have been fortunate enough to attend both public and non-public schools with the latter simply being the right fit for our family, and ultimately, where I would be called to serve in my career. I share this with you today because I simply want to take a moment to reinforce the fact that choice in education is not intended to be an indictment of public schools, just as it should not be used as an indictment of non-public schools. In North Dakota, we have of the most robust oversight of nonpublic schools by the State and I can attest that our schools enjoy a positive working relationship with the state. Choice in education is not about pitting school systems against one another and it is not about a new funding mechanism for private school systems to the detriment of public school systems. In fact, upon reviewing the proposed Bill, I was pleased that it makes very clear that the intent is to expand our State's commitment to student success by implementing an education savings account program for families, empowering them through partnership with the state to make their choice in education attainable. With ESA funds providing freedom and flexibility for families, this school choice legislation is clearly not about State support of school systems, rather it is about State support of STUDENTS--EVERY North Dakota school-age student

**Testimony on
February 5, 2025, 8:30 A.M.
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Affirmative Support of HB 1607

regardless of the type of school with which they affiliate; and as a parent, that is incredibly encouraging and makes me so proud of who we are as North Dakotans. Our willingness to blaze trails, aspire to greatness and always prioritize our people, is exactly why this bill is worthy of a do pass recommendation.

Chairman Beard and esteemed Senators, please accept my enthusiastic and sincere encouragement for your support for school choice. Your support means support of ND students and their success. Your support means unlocking funds for ND families to choose the educational path that is right for their children. Your support is an investment in our future by investing in our people. Your support begins today, with a do-pass.

Thank you for your many and good works for the State of North Dakota!



North Dakota Small Organized Schools

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1

2 Testimony in Opposition to HB 1607

3 Chairman Heinert and members of the House Education Committee

4 My name is Michael Heilman, I am the Executive Director of North Dakota Small Organized Schools. The
5 140+ schools that are members of NDSOS stand in opposition to HB 1607, which seeks to establish an
6 Educational Empowerment Account (EEA) for K-12 students attending non-public schools. While the bill
7 is framed as an opportunity for school choice, it presents significant equity, oversight, and funding
8 concerns that make it a poor fit for North Dakota.

9 One of the most pressing issues with HB 1607 is the lack of non-public school options in rural areas of
10 North Dakota. The vast majority of students (116,598) in our state attend public schools by choice, and
11 most students in rural areas do not have a non-public choice. The students (7904) that attend non-
12 public schools are also there by choice. Allocating taxpayer dollars to an EEA program will primarily
13 benefit urban families who have already made the choice to attend non-public schools, while leaving
14 rural students with no comparable choices. Four metro areas representing six communities,
15 Bismarck/Mandan, Fargo/West Fargo, Minot and Dickinson make up the vast majority of non-public
16 school enrollments. This creates a disparity that unfairly favors one segment of the population over
17 another. There are currently fewer than twenty communities in North Dakota with a non-public school
18 option and less than half of those offer a high school option.

19 Additionally, non-public schools that would receive EEA funds are not subject to the same level of
20 oversight and regulation as public schools. If the state is going to fund non-public education, NDSOS
21 strongly believes that the education providers must comply with all regulations and rules that public
22 schools are required to follow, including accepting of all students, open records laws, open board
23 meetings, participation in TFFR and all other state laws, rules and regulations that apply to public
24 schools. Public funds should only be allocated to educational institutions that are required to meet the
25 rigorous accountability and transparency measures that are applied to public schools.

26 Rather than diverting funds away from public education, we should focus on investing in our public
27 schools, which serve the vast majority of North Dakota's children. HB 1607 threatens to undermine our
28 public education system by redirecting scarce resources to unregulated institutions, disproportionately
29 benefiting urban and affluent families while leaving rural and lower-income students behind.

Board of Directors

Region 1

Mr. Tim Holte, Supt. Stanley
Mr. Kris Kuehn, Supt. Ray

Region 2

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Mr. Steven Heim, Anamoose & Drake

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Dr. Frank Schill, Supt. Edmore
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Dr. Steven Johnson, Supt. Ft. Ransom

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

30 The EEA that would be established by HB 1607 does little to serve the students in rural areas, directs
31 funding to non-public schools without the same regulations of public schools and diverts critical funding
32 away from public schools. I respectfully urge a do not pass on HB 1607 and prioritize policies that
33 strengthen our public schools for the benefit of all North Dakota students.

34
35 Mr. Michael Heilman – Executive Director
36 North Dakota Small Organized Schools
37 mheilmanndsos@gmail.com
38 701.527.4621
39

February 3, 2025

My name is Derrick Nagel and I am submitting my testimony in support of educational choice.

I am currently the Head of School at Christ the King Montessori School in Mandan, ND, where I have been for the past 8 years. I am also a parent to 5 children, 3 of whom currently attend Christ the King, a non-public school. Therefore, I am submitting my testimony from the perspective of a Bismarck, ND resident and parent, as well as an administrator in education.

As a parent, it is my primary goal to help my children thrive and ultimately be successful in life. There is no secret that having the ability to choose an educational model that best fits a child's or family's unique needs is one of the ways parents accomplish that very important mission. A diverse education selection in a community offers the best chances for meeting a communities diverse needs as well. Giving more choice to families in North Dakota is good for North Dakota.

As principal of a school with an education model very different from most in the region, I've encountered countless parents looking to transfer their children to Christ the King due to their children not "fitting in" in one way or another. I hear from parents worried about their students with low academic ability looking for a change in mode of education, something that might engage their senses through hands-on work or increase engagement through independence and small group lessons. Adversely, I often hear from parents looking to challenge their children academically, that their students are bored and looking to be filled with content at their own, quick pace. I hear from parents whose children are being picked on and looking for a closer social community that their child can plug into and learn to develop their emotional maturity. Finally, there are many families who choose CTK due to the lack of emphasis on technology.

The educational philosophy of Maria Montessori promotes the freedom of the child. Children are encouraged to do as much as possible for themselves and for their community as appropriate to their stage of development, promoting the child's confidence and self-esteem. Children are invited to learn through encounters with their environment that address all their senses. Embodied learning has many advantages from an academic perspective, but most importantly, living this way promotes mental health and a feeling of being at home in the world. Montessori education also values community. "How ought we to live together?" is just as important a question in the Montessori setting as "Can you name all the continents?" Finally, Children learn to experience their own inner life in Montessori. They learn to give their sustained attention, are given opportunities to be quiet, alone with their thoughts, leading to emotional maturity. It is widely understood that early exposure to technology, whether for entertainment or educational purposes, affects the neurological development of children and renders them less able to name their emotions, give voice to the scripts that run through their heads, or regulate their emotions. While technology has its place within the Montessori environment, it is never the primary mode of learning or interacting with reality. This is very different from many of the mainstream educational models available to ND families. At Christ the King, not only do we take pride in the academic formation we are giving our students who will one day be leaders in our community, we also especially see the extreme importance of educating the whole person.

Though we are a Catholic School, almost half of our enrollment is non-Catholic. Additionally, while located in Mandan, half of our enrollment comes from Bismarck. Others are from Lincoln, Center, St. Anthony, and beyond, with some families traveling over 45 minutes one way to get to our school. To have the option to send my own children to a Montessori School is invaluable to me, and this bill would help many more families

like my own, choose an educational model that might better fit their children. CTK is home to many families that send some or even most of their children to another school, but have one child who they describe as “not fitting the mold”.

Though we do our best at Christ the King to offer additional services to children in need, there are indeed times that we do not have the funds to offer the best solution. Many times, parents choose to send their children anyway, as they feel the Montessori Method has so much to offer and decide to choose to forego the potential extra help they might receive elsewhere. It is commonplace to hear from other Montessori Schools around the United States that their school has become home to a high number of neurodivergent children. Parents do not choose if, or how, their children were created to think, behave, etc. regardless of their income and ability to pay tuition. Having the ability to choose the best fit school, public or nonpublic is something North Dakota needs to support.

I have many friends who are administrators and teachers in the public schools, or who went through the ND public school system themselves and I continue to think we have good public schools. However, one size does not fit all and so though our public school partners might be a safe haven for many students, there are many families who have found a home in nonpublic schools. With educational support in ND, there would be so many more families able to best support their own children by giving more options than just the public school down the block. Giving students what they need will only better our state in the long run, as our children now will be our leaders tomorrow. Are you able to say you helped ALL children reach their full potential? Giving our diverse learners diverse educational options is a guaranteed way to bring about success in our community and state from ALL of our residents.

The number one concern I hear from prospective parents, and a top most frequently visited page on our website is regarding financial assistance. I know there are many families interested in Montessori education that do not have the freedom to pursue it based on their financial state in life. Many other states have already or are progressively seeking change to assist families and students. It is my right as the parent of my children, and as a ND citizen to educate my children how I see best fit.

Please support school choice in ND. Thank you.

Mr. Derrick Nagel
Head of School
Christ the King Catholic Montessori School
Mandan, ND

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1607
2/10/2025

Relating to compulsory attendance exceptions
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3:05 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Funding for Private School
- Restrictions on Spending
- Audit of the Debit Cards
- Management of Program

3:06 p.m. Representative Morton moved a Do Pass and Rereferred to Appropriations.

3:06 p.m. Heilman seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	N
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	AB
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	N
Representative Doug Osowski	Y

Motion failed 6-7-1

3:13 p.m. Representative Hager moved a Do Not Pass.

3:13 p.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	N
Representative Matthew Heilman	N
Representative Jim Jonas	Y
Representative Donald W. Longmuir	AB
Representative Roger A. Maki	N
Representative Andrew Marschall	N
Representative Desiree Morton	N
Representative Anna S. Novak	Y
Representative Doug Osowski	N

Motion Passed 7-6-1.

Bill Carrier: Representative Hatlestad

3:15 p.m. Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1607 ([25.0757.02000](#))

Education Committee (Rep. Heinert, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1607 was placed on the Eleventh order on the calendar.