

2025 SENATE EDUCATION

SB 2303

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

SB 2303
2/4/2025

Relating to an education savings account program.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

2:30 p.m. Chairman Beard called the hearing to order.

Discussion Topics:

- Create an Education Savings Account (ESA)
- Bank of ND
- Individual states Blaine amendments
- Language changes

2:30 p.m. Senator Wobbema, District 24, introduced the bill and submitted testimony in favor #34349 and #34709.

2:43 p.m. David Tamsiea, Executive Director ND Catholic Conference, testified in favor and submitted testimony #34212.

2:54 a.m. Shane Goettle, Lobbyist State Association of Nonpublic schools, testified in favor and submitted testimony #34288.

2:57 p.m. Catrin Wigfall, Policy Fellow American Experiment ND, testified in favor and submitted testimony #34010.

3:06 p.m. Fr. Jady Nelson, President of Bishop Ryan Catholic School Minot, testified in favor and submitted testimony #34076.

3:20 p.m. Dr. Mike Bitz, Superintendent Mandan Public Schools, testified in opposition and submitted testimony #33732.

3:22 p.m. Amy De Kok, Executive Director ND School Boards Association, testified in opposition and submitted testimony #34647.

3:25 p.m. Nick Archuleta, President ND United, testified in opposition and submitted testimony #34353.

3:33 p.m. Kristy Rose, President Tricity Home Educators Association, testified in opposition and submitted testimony #33906.

3:38 p.m. Paul Stremick, Lobbyist ND School Study Council, testified in opposition and submitted testimony #34411.

3:40 p.m. Mike Heilman, ND Small Organized Schools, testified in opposition and submitted testimony #34770.

3:48 p.m. Vicki Voldal Rosenau, Valley City ND, testified in opposition and submitted testimony #34631.

3:54 p.m. Adam Tescher, Finance Officer Department of Public Instruction testified neutral.

Additional written testimony:

Carleen Schill, citizen, submitted testimony in favor #33295.

Amanda Dukart, Employee Christ the King School Mandan, submitted testimony in favor #33341.

Gaylne Schweer, citizen, submitted testimony in favor #33371.

Christopher Hansen, citizen, submitted testimony in favor #33386.

Jill Rae, citizen, submitted testimony in favor #33396.

Taylor Gall, citizen, submitted testimony in favor #33430.

Aimee Bachmeier, citizen, submitted testimony in favor #33478.

Mark Jorritsma, Executive Director ND Family Alliance Legislative Action, submitted testimony in favor #33486.

Chris Ahlers, citizen, submitted testimony in favor #33510.

Reed Mesman, citizen, submitted testimony in favor #33554.

Chantelle Woodbury, citizen, submitted testimony in favor #33577.

Amber P., citizen, submitted testimony in favor #33768.

Jeff Ringstad, School Administrator Our Redeemer's Christian School, submitted testimony in favor #33867.

Leroy Huizenga, citizen, submitted testimony in favor #33992.

Katelyn Denne, citizen, submitted testimony in favor #34018.

Rachel Pankratz, citizen, submitted testimony in favor #34032.

Alexis Scott, citizen, submitted testimony in favor #34107.

Elizabeth Hoffner, citizen, submitted testimony in favor #34114.

Justin Forde, American for Prosperity, submitted testimony in favor #33948 and #34007.

Rebecca Obrigewitch, citizen, submitted testimony in favor #34128.

Sara Dudley, Principal St. Michael's Catholic School Grand Forks, submitted testimony in favor #34149.

Kristen Klein, citizen, submitted testimony in favor #34236.

Marie Franks, citizen, submitted testimony in favor #34329.

Amy Morales, citizen, submitted testimony in favor #34418.

Jordan Wald, citizen, submitted testimony in favor #34472.

Kelsey Connoles, citizen, submitted testimony in favor #34491.

Brian Holte, citizen, submitted testimony in favor #34493.

Sammi Weber, citizen, submitted testimony in favor #34525.

Jaimie Brunner, Bishop Ryan Catholic School Minot, submitted testimony in favor #34621.

Carolyn Moore, citizen, submitted testimony in favor #34627.

Marya Skaare, citizen, submitted testimony in favor #34632.

Daniel Martinez, citizen, submitted testimony in favor #34634.

Toni Mocko, Bishop Ryan Catholic School Minot, submitted testimony in favor #34650.

Matthew Ladner, Senior Advisor Heritage Foundation, submitted testimony in favor #34584.

Samantha Bryans, Dean of Academics Bishop Ryan Catholic School Minot, submitted testimony in favor #34591.

Tanya Kohler-Steckler, citizen, submitted testimony in favor #34597.

Scott Jensen, American Federation for Children, submitted testimony in favor #34435.

Dr. Aimee Copas, Executive Director ND Council of Educational Leaders, submitted testimony in opposition #34346 and #34347.

Monica Klein, citizen, submitted testimony in opposition #34363.

Brenda Ruehl, Director of Program Services Protection & Advocacy, submitted testimony in opposition #34641.

Eric Ripley, Grand Forks Public Schools, submitted testimony in opposition #34571.

Cody Mickelson, citizen, submitted testimony in opposition #34575.

Kevin Boden, Home School Legal Defense Association, submitted testimony in opposition #34462.

Kierstin Hurtt, Superintendent Valley-Edinburg School District #118, submitted testimony in opposition #34464.

Mike McNeff, Superintendent Ruby Public School District #5, submitted testimony in opposition #34384.

Leslie Bieber, Superintendent Alexander Public School, submitted testimony in opposition #34399.

Dora Tschosik, citizen, submitted testimony in favor #34244.

Michaela Larson, citizen, submitted testimony in favor #34246.

Chauncey Klein, citizen, submitted testimony in favor #34257.

Kathleen Charley, Bishop Ryan Catholic School, submitted testimony in favor #34276.

Kristen Franzen, citizen, submitted testimony in favor #34284.

Jeannie Nasers, Christ the King Montessori Catholic School, submitted testimony in favor #34289.

Derrick Nagel, School Administrator Christ the King School, submitted testimony in favor #34294.

Sandy Hansen, citizen, submitted testimony in opposition #34278.

Cam Leedahl, citizen, submitted testimony in opposition #34295.

Theresa Deckert, Lobbyist ND Home School Association, submitted testimony in opposition #34322.

Kelly Pratt, Kindle Wellness, submitted testimony in opposition #34165.

Kristin Nelson, citizen, submitted testimony in opposition #34154.

Amy Barkalow, citizen, submitted testimony in opposition #34151.

Pierre Freeman, citizen, submitted testimony in opposition #34123.

Trudy Fraase Wolf, Zeeland Public School, submitted testimony in opposition #33883.

Steven Heim, Superintendent Drake Public School, submitted testimony in opposition #33912.

Melissa Buchhop, citizen, submitted testimony in opposition #33594.

Samantha Harrison, District 34, submitted testimony in opposition #33641.

Sarah Lerud, President Valley City Education Association, submitted testimony in opposition #33733.

Justin Fryer, Superintendent Lisbon Public School District, submitted testimony in opposition #33735.

Brenda Seehafer, Teacher Mt. Pleasant School Rolla, submitted testimony in opposition #33525.

Mitch Carlson, Superintendent LaMoure Public School, submitted testimony in opposition #33323.

Eric Hanson, citizen, submitted testimony in opposition #33334.

4:06 p.m. Chairman Beard adjourned the meeting.

Susan Helbling, Committee Clerk

As a grandmother of 11, I believe this bill would be a great advantage for all of them. Helping young families is the surest way for our grandchildren to receive the best education possible.

Senate Education Committee:

This is in strong opposition to Senate Bill 2303. With the slogan of “competition in education”, Competition does bring out the best in educational institutions. Along with that comes “choice in education”. We already have that choice in North Dakota. Students can attend a school of their choosing with the current laws of open enrollment, non-tuition agreements, private schools, and home schooling. The bigger question should be is who is to pay for a private or home-schooled education?

If the state wishes to spend money on non-public schools, should the state not make the rules of equal balance and enforcement of education law equal? Tilting the rules in favor of one organization over another that is geared toward the same goal of education is what I consider a violation of equal protection under the law.

If the State of North Dakota wishes to adopt this legislation, the legislative body should either have all private schools and home school parents follow the same rules as Public Schools do. The other alternative is to abolish all rules that the Public Schools must follow that Private Schools currently do not have to follow.

The current bill as written also has the following flaws and questions:

- The \$8,858 payment or 80% for the program. After the mill levy deduct, the LaMoure School receives \$8,198 from the state based on our Weighted Student Units. Based on these numbers, this is 74% of the Per Student Payment Rate from the state.
- The proposed legislation states a student (home school) shall not enroll in a public school. We have home school students in our district that enroll in music class, athletics, speech services, CTE class etc... does that mean now that they need to discontinue those public-school services?
- Will the state of North Dakota still support a private institution of education with state dollars if the focal point of their religion and school mission statement is controversial and not within the current religious affiliation we currently have for private schools in North Dakota?
- Will the state of North Dakota support a Private School Academy such as the IMG Academy in Bradenton Florida which is a private school that is sports-oriented around its students and programs. Should state dollars be used for this type of school?

The Education Savings Account bill is intended to strengthen the education system in North Dakota. I believe it will have the opposite effect. This will lead to weakening of the public school system. It sends the message from the legislature to our public schools and teachers that they are not doing their job. That is the furthest thing from the truth.

It is my hope that the legislature will pass legislation the “lifts up” our public education system and the educators in North Dakota who dedicate their lives to educating all students that come through their door. If this legislation is to pass, I foresee this as another point of chipping away at our public school system that will have an effect on recruitment of teachers to the public school system and the profession.

Below is a shortened list of the North Dakota Century Codes that apply to School Districts (Public Schools) that the laws do not pertain to Private Schools.

Respectfully Submitted – Mitch Carlson, LaMoure Public School

Century Code Reference	Public School	Private School
5.1-02-09: DPI Supt report to Governor financial status, value of property, cost of education, Salaries	Need to report	No Report
15.1-02-10: Finance Facts to legislative assembly of each school	Need to report	No Report
15.1-02-13: Employee Compensation Report of all teachers and administrators for comparisons	Need to report	No Report
15.1-02-19: Information regarding federally funded health insurance programs	Inform students	No need to inform
15.1-02-23: Chronically low performing school districts intervention.	DPI can implement rules	No rules
15.1-06-01: Free, open and accessible at all times to any child.	Take any student	Selection process
15.1-06-04: Calendar length of a minimum of 962 for elementary & 1,050 for High school. 4-day school week needs waiver from DPI. Virtual Instruction must consist of minimum hours.	Need to follow minimum	No reference
15.1-06-06: School involved in the school improvement process	Need to follow criteria	Does not apply
15.1-06-06: Employment of a school Superintendent	Need to employ	Not needed
15.1-06-13: Supt. Each district complies with health, safety, & sanitation	Following rules set forth	No reference
15.1-06-14.1: Youth patriotic society must be allowed to speak to students.	Need to allow	No reference
15.1-06-17: Shall display US flag on the grounds of each school.	Need to follow	No reference
15.1-06-19: Counselor requirements with student numbers	Minimum employment hours	No reference
15.1-06.21: Transgender student accommodation	Need to follow	No Reference
15.1-07-20.2: School District Business manager duties outlined	Follow for school districts	Does not apply
15.1-07-25: School District Records open to examination by any person	Need to follow	Does not apply
15.1-07-25.2: Board meeting minutes, payroll, revenue, expenditures, retention	Open to public	Not open to public
15.1-07-25.3: Policy on protecting student data	Need to implement	No Reference
15.1-07-25.4: Virtual Learning policy, reporting	Policy to follow	No Reference
15.1-07-32: student Performance Strategies for every 400 students through grade 3.	Need to employ	No Reference
15.1-07-36: Report to DPI spent on school safety and security measures.	Need to report	No reference
15.1-07-38: Policy needed if participating in school lunch program.	Need to participate	Optional
15.1-09: School Boards elections, terms, meetings, publications, workshops, authorities,	Need to follow	No needed

15.1-15-01: Performance reviews of teachers to be conducted.	Follow law set forth	No Reference
15.1-15-02: Non-renewal of contract of probationary teacher to follow rules	Follow law set forth	No Reference
15.1-15-04: Non-renewal of the contract of a teacher the steps you must follow	Follow law set forth	No Reference
15.1-15-07: Discharge for cause outlining the causes and the hearing procedure.	Follow law	No Reference
15.1-16-01: Teacher Representation and Negotiations rules, representations, good faith, impasse, strike,	Follow law	No Reference
15.1-17: Teacher Personnel files, complaints, response laws	Follow law	No Reference
15.1-19-02: Prohibiting Corporal punishment	Follow law	No Reference
15.1-19-06: School personnel cannot refer to a person for a abortion	Folow law	No Reference
15.1-19-09: School need rules regarding suspension and expulsion.	Follow law	No Reference
15.1-19-18: Bullying prohibition and policy to follow for school districts.	Follow law	No Reference
15.1-21-05.1: Critical Race Theory prohibited to teach	Follow law	No Reference
15.1-21-08: State Testing of students in reading, math, and science. Publication of results.	Need to test	No testing required
15.1-21-17.1: Interim testing of students grades K-10. Twice a year.	Need to test	No testing required
15.1-21-18: Career Interest Inventory to administer.	Need to administer	No Reference
15.1-21-21: Teaching of personal finance,	Need to teach	No Reference
15.1-21-28: Health curriculum must include 3-minute video on human growth.	Need to teach	No Reference

To whom it may concern:

I am writing in opposition to SB 2303.

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 Senate Education Committee
State Capitol
Bismarck, ND 58501

RE: Endorsement of SB 2303

Dear Senate 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 Senate Bill 2303, 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 Senate Bill 2303, which would establish state-funded educational savings accounts for K-12 students' educational needs, 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 SB 2303 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 SB 2303. 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 SB 2303.

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

Testimony in Support of Senate Bill No. 2303 – Education Savings Accounts (ESAs)

Submitted by Christopher Hansen
District 16 Resident & Parent
JPPII Catholic Schools

Hello Senate Education Committee,

My name is Christopher Hansen, and I live in District 16. I am a parent who has chosen to enroll my children in JPPII Catholic Schools because I believe that a values-based, structured education is essential for their academic and personal growth.

I am here today to express my strong support for Senate Bill No. 2303, but I also support all school choice legislation that empowers parents to make the best decisions for their children's education. I support SB 2303 because it would create an Education Savings Account (ESA) program, allowing 80% of the state's per-student funding to be used for tuition, books, tutoring, and other approved educational expenses.

Choosing a Catholic education for my children was a deliberate decision based on my experience with the public school system. My son attended and graduated from a public school, and throughout his time there, I witnessed firsthand the lack of discipline, repeated school lockdowns due to fights, and legal issues involving educators. Instead of focusing on academic excellence, many teachers seemed more concerned with socializing with students rather than mentoring them. This was not the environment I wanted for my daughters.

However, private school tuition is a significant financial burden on families like mine. We have had to sacrifice in every way possible to afford a quality education, and SB 2303 would directly help by providing financial flexibility and fairness to families who choose alternative schooling options.

With an ESA program, parents would be empowered to allocate state funding in a way that best fits their child's educational needs, ensuring that the funding truly benefits students rather than being locked into a single system. All families—regardless of income—deserve real choices when it comes to their child's education.

I urge you to vote in favor of SB 2303 to ensure that North Dakota families have the financial flexibility and support they need to choose the best education for their children.

Thank you for your service to the state of North Dakota and your time on Senate Bill 2303.

Sincerely,
Christopher Hansen

I am writing to express my strong support for SB 2303, 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 SB 2303 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 Senate 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 SB 2303, 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 SB 2295 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 SB 2303.

Thank you for your service to the state of North Dakota and your time on SB 2303.

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



Testimony in Support of Senate Bill 2303

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
February 4, 2025

Dear Chairman Beard and honorable members of the Senate Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of Senate Bill 2303 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 Senate Bill 2303 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

1515 Burnt Boat Dr., Suite C-148, Bismarck, ND 58503
mark@NDfamilyalliance.org
701-355-6425
www.ndfamilyalliance.org

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 SB2303 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 SB2303 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 SB2303 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 SB2303.

Chris Ahlers
Fargo, ND

Members of the Senate 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: SB 2295, SB 2303, and SB 2400. 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 SB 2295, SB 2303, and SB 2400. 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

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 SB2303, 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 SB2295 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 SB 2303.

Chair Elkin and the members of the Senate 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 SB 2303. 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 Beard and members of the Senate 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 SB 2303.

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 SB 2303.

Sincerely,

Samantha K. Harrison
District 34

1 SB 2303– ESA Bill

2 Mandan Public Schools – Mike Bitz, Superintendent

3 Good morning, Chairman Beard 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 SB2303. I will be brief.

8

9 This bill appropriates \$243,000,000 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 to give
12 the parent a receipt for the tuition and provide a bond
13 demonstrating that the school can pay its bills. – As a
14 Conservative and a ND taxpayer, I will tell you that this is not
15 only bad government, it is wrong. ND has great private schools,
16 with good people working in them, but giving anyone
17 \$243,000,000 without any fiscal accountability is a bad idea. If
18 you approve this bill, please put guardrails in place to ensure full
19 accountability for these dollars. The taxpayers of ND deserve
20 this.

21

22 Also I find it confusing that the legislature is also considering a
23 parent's rights bill, that in its current form will not apply to private

1 schools, even if they take public dollars. If private schools accept
2 public dollars, shouldn't we expect them to open their board
3 meetings and welcome parents to attend, and have the ability to
4 address the school board? Should parents really need to forfeit
5 their rights as parents if the private school chooses to admit their
6 child? **Accepting public dollars should mean accepting public**
7 **accountability!** The fact that there is a fiscal note on this bill
8 means these are public dollars.

9
10 Thank you for the opportunity to speak to you today. I urge you
11 to vote NO on SB2303. At a minimum if you are going to approve
12 this bill, amend it and give taxpayers the fiscal accountability they
13 deserve. I would be happy to stand for any questions.

Vote No: HB 1540, HB 1590, HB 1607, SB 2295, SB 2303, SB 2400

I am sharing my testimony to express my strong opposition to all forms of voucher bills – education savings accounts, scholarships, tax credits. Funneling public money into private schools is not right. Keep public dollars in public schools. Voucher schemes support private schools in large ND communities. Rural Communities would be helping foot the bill for these wealthy private schools when only 32% of ND counties have access to private schools.

North Dakota families already have school choice. Parents can choose which school is best for their kids. They can choose to homeschool, they can choose the closest public school, they can open-enroll their student to a nearby public school, or they can choose a private school. Those are the choices.

I do not want my tax dollars funding private already wealthy schools or homeschools.

Sincerely,

Sarah E. Lerud

BOARD OF EDUCATION

Mark Qual
 Liz Anderson
 Lance Gulleson
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 Chad Johnson
 Kortney Vesel, Business Manager

ADMINISTRATION

Justin Fryer, Superintendent
 Patrick Adair
 High School Principal
 Patricia Schmit
 Middle School Principal
 Benjamin Zahrbock
 Elementary School Principal

Lisbon Public Schools**School District No. 19**

502 Ash Street – PO Box 593

Lisbon, North Dakota 58054-0593 Phone: (701) 683-4106

High School Fax: (701) 683-4414

Middle School Fax: (701) 683-4111

Elementary School Fax: (701) 683-4415

"Providing Equal Opportunities for Employees and Students"

To Whom It May Concern,

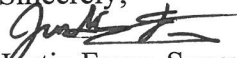
I am submitting written testimony in opposition to SB 2303. This bill seeks to redirect public funds to support private education, which undermines our state constitution. The constitution clearly states that no money raised for public schools shall be used to support sectarian schools in North Dakota. It mandates that we fund a uniform system of public education. The students who attend public schools in North Dakota deserve this commitment.

While I believe Education Savings Accounts (ESAs) can benefit students across North Dakota, the provision in this bill that funds private schools should be removed. Doing so would create a fairer system for all families, regardless of where they live, allowing them to receive ESA dollars without violating our constitution.

Public schools in North Dakota serve 90 percent of students. Our public schools accept all students, regardless of their background—whether they have disabilities or face severe mental health challenges. No other entity in North Dakota provides such inclusive services. The work our public schools do is challenging and vital, requiring a strong financial commitment from our state to ensure that all students have the resources they need to become productive members of society. Our students are the future of our state and country, and investing in them should be a top priority.

I have no issue with ESAs benefiting all students across our state. My concern is that ESAs should not be directed towards families who choose to attend private schools. Attending private school is a choice, and public dollars should not be used to support that choice.

Sincerely,



Justin Fryer, Superintendent
 Lisbon Public School District

ND Senate 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 SB 2303!

I support SB 2303, 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 SB 2303 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 2303 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 SB 2303.

Chairman Beard 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)

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?

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

ND Legislature
69th Assembly

RE: SB 2303/ HB 1450

I strongly oppose SB 2303/HB 1540 and education savings account programs for these reasons:

- 1- ESAs increase government spending. States that have passed ESAs are now “in the red” and spending millions of dollars more than projected and not seeing the results they wanted in educational outcomes.
- 2- ESAs limit educational freedom. The guy writing the check makes the decisions. Parents choose private school and home education because they want to make the decisions in their children's education. ESAs come with government strings that cost the families and schools freedom as much as they cost the government time and money.
- 3- They don't expand choice. In states with ESAs most of the families using ESAs were already enrolled in private schools. In Iowa, 66% of ESAs were for those already enrolled in private school and only 13% transitioned from public schools. In Arizona, that percentage is 75% . Many submitting support for these bills are also already private school parents.
- 4- ESAs as put forth in these two bills is a misnomer. Parents aren't contributing, they're just receiving money from the state so they won't have to pay (as much) for their choices. A savings account requires someone to actually save, put away, store up money for an expense. The accounts suggested in these bills are simply vouchers/grants.

My parents chose private school for me and my sister and I am forever grateful that they did. But they chose it at their own expense and they fought against vouchers because they didn't want the government paying for their choice.

My husband and I chose to homeschool our kids. We, like a majority of our homeschooling friends, believe the benefit and the strength of home education lies in parent-funded education. When you pay for something – with money and with sacrifice – you are committed to it in a way that a freebie doesn't allow.

As president of North Dakota's largest homeschool support group, Tricity Home Educators Association, which serves more than 150 homeschooling families in the Bismarck-Mandan-Lincoln area, what I hear mostly from homeschoolers is that they don't want government or tax payer money for the educational choice they've made whether it's an ESA, a voucher, state aid, or some other buzzword pretending to be “school choice”. They want freedom and freedom comes with a cost they are willing to pay with their checkbooks.

Please vote no on SB 2303 and HB 1540.

Sincerely,
Kristy Rose

Subject: Oppose Educational Savings Accounts – Protect Public Education

Dear Senate 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

Americans for Prosperity North Dakota – IN SUPPORT SB 2203

Americans for Prosperity strongly supports educational choice.

We are in support of educational savings accounts; we urge you to support SB 2203.

Key Components of a Strong Education Savings Account (ESA) Bill for North Dakota.

These are the essential components and recommendations for crafting a robust Education Savings Account (ESA) bill in North Dakota. The goal is to provide all families with access to high-quality educational options and ensure equitable participation for all school-age children in the state. A strong ESA bill should prioritize accessibility, transformative funding, and flexibility for students, while maintaining an efficient implementation process.

Must-Have Components

1. Universal Eligibility

- **Definition:** All school-age children in North Dakota should be eligible for an ESA. The bill should phase in universal eligibility over a short period to maximize impact and inclusivity for every family.

2. Transformative Funding

- **Goal:** The ESA funding must be substantial enough to significantly enhance educational opportunities for families, particularly those from lower-income backgrounds. The funding should enable access to a wide range of non-public educational options (e.g., private schools, tutoring, online learning, educational therapies).

3. Opt-In Participation

- **Principle:** The ESA program should be voluntary for families and non-intrusive to private educational providers. It should not automatically categorize any family as an ESA participant. Additionally, it should create a separate category for students receiving alternative instruction (home-schoolers) and ensure it does not interfere with existing alternative education laws.

4. Low Barriers to Application

- **Access:** The program should have minimal bureaucratic hurdles, with no income qualifications required. Families should be able to easily access the program regardless of their financial status.

5. Broad Educational Choice

- **Flexibility:** The ESA should provide a wide range of educational options for students. Rather than narrowly defining what is an acceptable expenditure (e.g., curriculum categories), the focus should be on creating robust and diverse educational opportunities, allowing families to tailor education to their child's needs.

6. Ease of Implementation

- **User-Friendly:** If a third-party vendor is used for administering ESAs, the system must be easy for families to navigate, ensuring that there are no delays or barriers in accessing funds. Avoid reimbursement processes that create additional financial burdens on families and require excessive administrative staffing.

No-Go Provisions of a Strong Education Savings Account (ESA) Program for North Dakota

1. Overly Harsh Accountability Measures

- **Issue:** Accountability measures that impose harsher penalties on ESA students than on public school students should be avoided. ESA students should not face additional punitive measures that are not equally applied to public school students.

2. Excessive Curriculum Restrictions

- **Issue:** The ESA program should not limit eligible educational expenditures to “government-approved,” in-state, or secular curriculums. Families should have the freedom to choose educational materials and providers that best meet their child’s needs, without unnecessary government oversight on curriculum.

3. Overcomplicated Bureaucratic Expenditure Approval

- **Issue:** The ESA system should avoid creating time-consuming and complicated bureaucratic processes for expenditure approval. Families should have access to funds instantly at the point of sale, without the need for reimbursement claims or excessive approval procedures that create delays.

4. Tiering Eligibility Solely Based on Income

- **Issue:** Eligibility should not be tiered exclusively based on income levels. While certain groups may need targeted support, all school-age children should eventually have access to the ESA, regardless of family income.

5. Standardized Testing Tied to Funding

- **Issue:** The ESA program should not tie future funding or eligibility to individual students' standardized test performance. Students and families should not be penalized with reduced funding based on test scores.

A well-crafted ESA bill for North Dakota should empower families with meaningful choices and substantial funding for educational opportunities. By adopting these key components, avoiding problematic provisions, and considering additional flexible options, North Dakota can create an ESA program that is inclusive, flexible, and transformative. This will ultimately ensure that all students have access to a high-quality education that meets their unique needs, while also promoting the state's educational and economic goals.

Contact:

Justin Forde

Americans for Prosperity North Dakota

jforde@afphq.org

701-527-4293

February 3, 2025

Dear Members of the Senate Education Committee:

My name is Dr. Leroy Huizenga, and my wife Kari and I live in District 35 in Bismarck. We are writing in support of SB 2303.

My wife and I have homeschooled our three children. The eldest (now 16) has attended St. Mary's High School the past couple years, while our 14-year-old and 10-year-old are yet at home. While now employed in a different sector, I used to be in higher education in the Chicago area and Bismarck.

Given our experience in educating our children and my experience as an educator, we have come to the conviction that parents are in the best position to decide what the best course of education is for their particular children in a particular season. For some children, that could be public schools (as it happens, I'm a product of Minot Public Schools, while my wife is a product of Park River and Devils Lake Public Schools), for others, private schools, for others, home school.

For instance, when our eldest son hit a certain age, it became apparent a traditional school setting would serve him best, so we explored part- and full-time options at Legacy, the Career Academy, and St. Mary's. We decided St. Mary's full-time would serve him best. He's thriving there, while the other two are thriving at home. And as we go forward, we as parents will continue to evaluate what's best for each.

As residents of ND and taxpayers, my wife and I are therefore of the conviction we should be empowered to make decisions for our children's education in line with what's best for them, as education is about the formation of children – indeed, each particular child in his or her particularity. Systems of schooling and taxation regimes should support that, not the other way round.

For these reasons, we urge you to vote in favor of SB 2303 and similar bills that empower parents to exercise options in education.

We appreciate your service to our State and your time spent in consideration of this bill.

Best,

Dr. Leroy & Mrs. Kari Huizenga

Americans for Prosperity North Dakota – IN SUPPORT SB 2303

Americans for Prosperity strongly supports educational choice.

We are in support of educational savings accounts; we urge you to support SB 2303

Key Components of a Strong Education Savings Account (ESA) Bill for North Dakota.

These are the essential components and recommendations for crafting a robust Education Savings Account (ESA) bill in North Dakota. The goal is to provide all families with access to high-quality educational options and ensure equitable participation for all school-age children in the state. A strong ESA bill should prioritize accessibility, transformative funding, and flexibility for students, while maintaining an efficient implementation process.

Must-Have Components

1. Universal Eligibility

- **Definition:** All school-age children in North Dakota should be eligible for an ESA. The bill should phase in universal eligibility over a short period to maximize impact and inclusivity for every family.

2. Transformative Funding

- **Goal:** The ESA funding must be substantial enough to significantly enhance educational opportunities for families, particularly those from lower-income backgrounds. The funding should enable access to a wide range of non-public educational options (e.g., private schools, tutoring, online learning, educational therapies).

3. Opt-In Participation

- **Principle:** The ESA program should be voluntary for families and non-intrusive to private educational providers. It should not automatically categorize any family as an ESA participant. Additionally, it should create a separate category for students receiving alternative instruction (home-schoolers) and ensure it does not interfere with existing alternative education laws.

4. Low Barriers to Application

- **Access:** The program should have minimal bureaucratic hurdles, with no income qualifications required. Families should be able to easily access the program regardless of their financial status.

5. Broad Educational Choice

- **Flexibility:** The ESA should provide a wide range of educational options for students. Rather than narrowly defining what is an acceptable expenditure (e.g., curriculum categories), the focus should be on creating robust and diverse educational opportunities, allowing families to tailor education to their child's needs.

6. Ease of Implementation

- **User-Friendly:** If a third-party vendor is used for administering ESAs, the system must be easy for families to navigate, ensuring that there are no delays or barriers in accessing funds. Avoid reimbursement processes that create additional financial burdens on families and require excessive administrative staffing.

No-Go Provisions of a Strong Education Savings Account (ESA) Program for North Dakota

1. Overly Harsh Accountability Measures

- **Issue:** Accountability measures that impose harsher penalties on ESA students than on public school students should be avoided. ESA students should not face additional punitive measures that are not equally applied to public school students.

2. Excessive Curriculum Restrictions

- **Issue:** The ESA program should not limit eligible educational expenditures to “government-approved,” in-state, or secular curriculums. Families should have the freedom to choose educational materials and providers that best meet their child’s needs, without unnecessary government oversight on curriculum.

3. Overcomplicated Bureaucratic Expenditure Approval

- **Issue:** The ESA system should avoid creating time-consuming and complicated bureaucratic processes for expenditure approval. Families should have access to funds instantly at the point of sale, without the need for reimbursement claims or excessive approval procedures that create delays.

4. Tiering Eligibility Solely Based on Income

- **Issue:** Eligibility should not be tiered exclusively based on income levels. While certain groups may need targeted support, all school-age children should eventually have access to the ESA, regardless of family income.

5. Standardized Testing Tied to Funding

- **Issue:** The ESA program should not tie future funding or eligibility to individual students' standardized test performance. Students and families should not be penalized with reduced funding based on test scores.

A well-crafted ESA bill for North Dakota should empower families with meaningful choices and substantial funding for educational opportunities. By adopting these key components, avoiding problematic provisions, and considering additional flexible options, North Dakota can create an ESA program that is inclusive, flexible, and transformative. This will ultimately ensure that all students have access to a high-quality education that meets their unique needs, while also promoting the state's educational and economic goals.

Contact:

Justin Forde

Americans for Prosperity North Dakota

jforde@afphq.org

701-527-4293



February 3, 2025

SB 2303 — In support of

North Dakota Senate
Education Committee

Dear Chairman Beard and Members of the Senate Education Committee,

My name is Catrin Wigfall, and I am the education policy fellow for American Experiment North Dakota, a state-based public policy organization. I am writing today in support of SB 2303, which allows for the creation of an education savings account (ESA) program in North Dakota.

Throughout my career in education research, I have studied school choice policies and programs across the country to understand the various models and learning environments that make up our country's education ecosystem. I am excited at the opportunity North Dakota has to join neighboring states and states across the country that are creating new and expanding existing educational opportunities available to our students and families.

Throughout my K-12 journey, I had the opportunity to experience a variety of learning environments — private schools, a microschool, home education, a traditional public school, and a virtual school. I attended a four-year liberal arts college for my bachelor's degree and a two-year community college for my teaching license. I taught at a traditional public school and at a public charter school. Each of these education settings brings something parents value within education.

In fact, survey after survey shows that parents care about a lot of different aspects of education, and very few schools can excel at all of them, despite efforts to do so. For some families, a quality education is measured by standardized test scores and teacher credentials. Some families prefer a project-based program or self-directed learning. Perhaps extracurriculars are important.

Giving parents the power to choose regardless of socioeconomic status has brought important diversity to the modern education movement and is encouraging innovative schools and spaces that include a variety of people, perspectives, and pedagogies, all with a united commitment to a more customized approach to education.

With SB 2303, North Dakota families would be able to customize their child's education and specialize it in a way that best sets him or her up for future success. It provides parents a menu of options, pre-approved educational services, to choose from, and encourages partnerships between educational service providers. Educators benefit as well, as families can use the ESA to pay for tutoring outside of school hours or special education therapies and services. A national poll of educators conducted by Morning Consult in October 2024 found that the majority of teachers, including district school teachers, support ESAs.

North Dakotans also support ESAs. An October 2023 survey conducted by Arc Insights found overwhelming support for an ESA program in North Dakota across the political and geographic spectra — 72 percent of K-12 parents, 66 percent of Republicans, 64 percent of Independents, 62 percent of Democrats, 67 percent of respondents in urban areas, 64 percent in rural areas, and 62 percent in suburban areas expressed support for an ESA program.

SB 2303 also removes financial barriers that currently prevent students most in need of new opportunities from accessing an alternative learning environment. For education to truly be the great equalizer, access to a quality education should not just be for the wealthy.

Under SB 2303, a portion of the state funds allocated for a student to be educated in their home district would follow the child to a nonpublic learning environment and/or be available for other pre-approved education expenses. Even though the public school would no longer be responsible for educating the student, and is relieved of the costs associated with educating the student, 20 percent of the allocated dollars for that student would remain at the public school.

The public school would also still receive local dollars for fixed overhead costs. A study by the Friedman Foundation found that even when accounting for public schools' fixed costs, savings from a policy like an ESA get plugged back into a state's education budget and spent on students still in public schools.

An overwhelming number of empirical studies (69 out of 75, or 75 percent) on school choice policies similar to SB 2303 across the country have found positive fiscal effects on taxpayers and public schools.

Allowing public dollars to follow an individual to a private institution is not a new concept. Consider, for example, how this plays out in higher education. Through Pell Grants, qualifying students across the country are allowed to use federal taxpayer funds to help pay for tuition at private institutions. Through the GI Bill, military undergraduate and graduate students can use the bill's benefits to help pay for a private college or university, graduate school, or training programs. These students are using taxpayer funds to attend private schools in higher ed. These two programs operate very similar to K-12 school choice programs. Even outside the education space, public dollars can be used at private institutions: consider food stamps programs, Medicaid, Section 8 Housing.

Nine of the top 10 most rural states, as measured by the 2020 U.S. Census rural population share, have publicly-created private school choice programs: Vermont, Maine, West Virginia, Mississippi, Montana, Arkansas, South Dakota, Alabama, and New Hampshire. Kentucky at number 10 and North Dakota at number 11 do not. Rural areas are also seeing a rise in learning environments that become available following the implementation of a school choice policy.

For example, a study of Florida by The Heritage Foundation found that following the state's enactment of a school choice policy 20 years ago, the number of private schools in Florida's 30 most rural counties has nearly doubled. Rural areas are also seeing the rise of microschools and high-quality virtual schools. Arizona is another example of a state where its education choice

policies spurred the creation of new learning environments and expanded existing options, including in rural areas.

In conclusion, SB 2303 is not an “either/or” proposal — either support one type of learning environment/system or support alternatives — but a “both/and” approach. Ninety percent of empirical studies have found positive effects of a school choice program on the test scores of public school students who don’t participate.

SB 2303 provides families with new opportunities while taking no existing options away, and I respectfully ask for a Do Pass.

Thank you for the opportunity to submit testimony in support of SB 2303.

Best,



Catrin Wigfall
Policy Fellow
American Experiment North Dakota

Dear House Education Committee:

My name is Katelyn Denne and I am writing in **support** of Senate Bill 2303. I support SB2303 because I believe that ALL parents should have the opportunity to choose the educational system that works the best for their family. My husband and I have chosen a non-public educational institution for our children. We can send our children to a non-public school as a result of our own financial planning and sacrifice. The financial obstacles that parents must overcome to choose a non-public education is unjust. Parents should be able to make the right choice for their children, regardless of their financial situation, and SB2303 would help families to be able to make that decision without the financial burden. Non-public education should not simply be an option for those with means, they should be an option for any family that feels that a non-public education would be beneficial for their child and family. Additionally, the non-public school that we choose to send our children to academically outperforms the public school district that we live in. As a property owner and taxpayer, SB2303 would allow me to experience the benefits of my tax dollars as they relate to education. A truly well-rounded state education system includes public and non-public schools alike. As North Dakotans and parents, we should have the autonomy to make the best educational choice for our families while seeing our tax dollars at work.

Thank you for your work on the senate education committee and your public service. It is greatly appreciated by this voter and taxpayer.

Katelyn Denne

Minot, ND

To Whom It May Concern,

Passing SB 2303 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



To Chairman Beard and members of the Senate Committee on Education:

I want to begin by saying sincerely that my colleagues and I are proud to help the State of North Dakota to achieve its stated interest in maintaining an educated populace. For nearly 100 years, the Catholic schools of Minot have helped the State of North Dakota educate its citizens, and in doing so, we help this great State to fulfill its interest in education; and we have done this against great odds, and at tremendous cost.

The problem is that while we capably help the State of North Dakota achieve its interests in education, the State of North Dakota does not reciprocate by helping the parents of children whose educational interests are not best met in a public school achieve those same State interests outside the public school system. For too long, the rhetoric around educational funding in legislature has mistaken the means for the end. The State's Constitution makes it clear that the purpose for the State to maintain a "free public school system open to all children" is because government by the people requires an educated populace. The public school system is a means, not the end of the State's interest in regulating education. Nobody argues the importance of our public schools or proposes that we defund them. They are an essential means for the State to use to achieve its educational interests. What is important to note, however, is that the educational needs of some of the citizens of the State can and do go beyond what the public school system provides. Thus, for the wellbeing of all of its citizens, the State should provide meaningful and proportionate financial support to these students because their education too is in the educational interest of the State.

The contemporary Jewish Rabbi, Jonathan Sacks, explains the larger role of education in this way: "As Jews, we believe that to defend a country, you need an army. But to defend a civilization, you need education. Freedom is lost when it's taken for granted. Unless parents hand on their memories and ideals to the next generation, the story of how they won their freedom and the battles they had to fight along the way, the long journey falters and we lose our way." While Rabbi Sacks speaks specifically in the context of education in the Jewish community, his basic message applies equally to others whose educational needs go beyond what can be adequately given in a public school.

BISHOP RYAN

CATHOLIC SCHOOL

Education is the primary means of passing on culture and custom. For many parents it is not a neutral and secular endeavor. Since the 1800s, Catholics in this country have been forced to foot their own bill for the education of their children at great personal sacrifice because the largely Catholic immigrant populations of the 1800s were coming to a land that while full of opportunity, was also full of New England Protestants that wouldn't lift a finger to help the Irish, German's from Russia, or Italians, to maintain their Catholic, or as our Constitution call it, "sectarian", culture. To quote Chief Justice Roberts' opinion of the court in *Espinoza v. Montana*: "It was an open secret that 'sectarian' was code for 'Catholic'. The Blaine Amendment was 'born of bigotry' and arose at a time of pervasive hostility toward the Catholic Church and to Catholics in general; many of its state counterparts have a similarly shameful pedigree." Sadly, our own Constitution shares in this shameful pedigree of Blaine.

So, as Catholics, we had to build our own schools, at our own expense, while the Protestant majority ran the "common schools" and enjoyed full financial support of the State. I don't bring this history up to verbally tar and feather my Protestant brothers and sisters; not at all. I bring this up, to point out that the reasons why we do things the way that we do them is not always clear to us today.

Thankfully, the odious Blaine Amendment, which has been used by the public school lobby for decades to quash the attempts of parents who have come before this distinguished body looking for some equity in their share of public benefits for educating their children, has finally been identified as unconstitutional by the U.S. Supreme Court, since Blaine Amendments discriminate against the free exercise of religion by parents who have a God-given and Constitutional right to direct the education of their children.

I believe that if the judgment of this committee and the members for both chambers of this legislature remain unbiased and focused on the fact that the State's interest in K-12 education extends to all of its children, not just those served by the public school system, it will recognize that dollars can indeed flow to parents and even approved non-public schools. Moreover, these dollars ought to do just such a thing if it is in the best interest of children as determined by their parents; as long as the education they receive satisfies the basic interests of the State outlined in the Constitution. A clarifying question that comes to mind is: What is the value of a diploma granted to a graduate at Bishop Ryan in the eyes of the State? Our graduates meet or exceed the requirements of the State of North Dakota for all approved schools. Our graduates satisfy completely the interests of the State in educating its populace. And yet, the investment in our kids is exactly \$0. The actions of the State of North Dakota toward our students tells them what their State thinks of them: Even

BISHOP RYAN

CATHOLIC SCHOOL

though your diploma accomplishes the same purpose the State, you are not worth investing in because you are not attending the “right” school.

The time has finally come to put aside the fear-based rhetoric on the part of the public-school lobby, which has shown itself to be concerned primarily in maintaining hegemony over the educational marketplace, and to support a money-following the student approach to education in North Dakota. Why do you as a legislator care where a student goes to school as long as the education they receive meets the Constitutionally outlined educational goals of the State? Why should you pick financial “winners” and “losers” based upon where a parent believes their child will get the education that they need? Because that is what is happening now. The State is picking “winners” and “losers” financially, and it is looking increasingly like discrimination based on the Blaine Amendment. The fact is that this body is willing to fund pretty much any educational opportunity, including by using public school districts as passthroughs to pay private educational academies as vendors, as long as the vendor is virtual and non-religious. This is perplexing.

As the president of a school system that has been educating children in the Minot area for almost a century, I hope the legislature can finally acknowledge in a meaningful way the fact that we serve a vital need for our community, **and** we fully satisfy the State’s interests in education for the children that attend our school. We are not the same as a public school; we are different and that is why parents need us. But this doesn’t mean that our education is in any way deficient in helping the State achieve its interests in the education of its populace while we help our parents achieve their interests. Our diplomas are every bit as valuable to the State of North Dakota as Minot Public’s or West Fargo’s or Washburn’s. There is no difference in terms of value to the State. Our parents should receive proportionate benefit by way of financial support for their children’s education that any other parent does in a public school because in both cases the State’s interests in having an educated populace are satisfied.

Thank you for your time and consideration.

Sincerely,



Fr. Jady Nelson, M. Ed
School President

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 SB2303, 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 SB2303 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 SB 2303.

Thank you for your service to the state of North Dakota and your time on SB2303.

Regards,

Alexis Scott

Hello Senate 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 SB2303, 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 SB2303. Thank you for your service to the state of North Dakota and your time on SB2303.

Sincerely,

Liz Hoffner and Family

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

February 3, 2025

North Dakota Senate Education Committee

State Capitol

Bismarck, ND 58501

RE: Endorsement of SB 2303

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 Senate Bill 2303, 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 Senate Bill 2303.

Thank you for your service to the state of North Dakota and your time on Senate Bill 2303.

Sincerely,

Rebecca Obrigewitch

Dear Members of the Senate 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 not only in this bill but in all bills that bring parent school choice to North Dakota. I am also here 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. It is cruel to suggest that it is because of discrimination rather than a lack of state support to serve students.

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

I am a homeschooling parent of 4 and I oppose this pseudo-voucher program. If North Dakota wants to provide greater parental flexibility in education options, then we should instead consider a tax credit for families choosing to educate in private or homeschool settings. Public dollars for public schools make sense. Public dollars for private education is not only illogical but largely unwelcome.

There are better methods. Oppose this bill.

Kristin Nelson

2/3/25

5409 20th Street South

Fargo, ND

District 46

DO NOT PASS SB 2303

Senator Beard and members of the Senate Education Committee:

I urge a **DO NOT PASS** on SB 2303. **Public dollars belong to public schools.** Our schools struggle with funding as it is, we cannot allocate dollars away from public use. Public dollars must stay to **support public education.**

Again, I urge a **DO NOT PASS** recommendation on this bill.

I am a homeschooling mom, and small business owner, who believes in the educational freedom that homeschooling allows.

I strongly OPPOSE SB 2303.

The person (state or other entity) who provides the funding, will want to control how it's used. Homeschooling parents wish to school their children without the regulation strings that would come with any "free" money.

This bill would likely call for regulation, mandated curriculum, increased testing, and loss of data privacy. Do not push North Dakotan children into uniform products of the state, which would force transparency and accountability on taxpayer-funded projects. Homeschooling parents do not want this.

As a homeschooling parent, we should fight for the right to homeschool in peace and freedom. We do not believe that one educational plan fits all children and parents should be empowered to make that determination based on their child's unique gifts, talents, and needs.



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

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To: Senate Education Committee
From: David Tamisiea, Executive Director
Subject: Senate Bill 2303 - Education Savings Accounts
Date: February 4, 2025

The North Dakota Catholic Conference supports Senate Bill 2303.

SB 2303 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 education savings accounts instead of a "one-size-fits-all" approach to education.

Education Savings 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 or home setting through the use of an Education Savings Account (ESA). It also expands choices for 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 ESA could be used for qualified educational expenses, including tuition and fees, textbooks, tutoring, curriculum materials, online classes, examination fees, computer technology, and transportation fees.

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 education savings 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.

Education Savings Accounts Expand Educational Choice

Education Savings Accounts funds under SB 2303 are available for a wide variety of educational uses tailored to meet an individual student's needs. Eligible uses include not only private school tuition and fees, but also textbooks, online classes, tutoring, test prep, transportation costs, educational camps, and the like for any eligible student.

Current non-public school students could use ESA funds for tuition and fees, and home educated students could use the funds for curricular materials and textbooks. Students who could not otherwise afford it could also use their ESA 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 ESA 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 ESAs 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 ESA 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 ESA 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.

Education Savings Accounts Are Constitutional

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

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>.

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 ESAs 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

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

We urge a **Do Pass** recommendation on Senate Bill 2303.

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).)



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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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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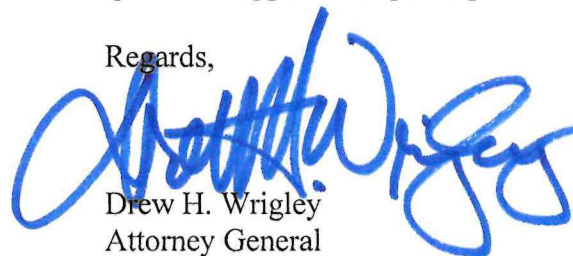
November 29, 2022

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 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.

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 SB 2303 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 SB 2303. Thank you for your service to the state of North Dakota and your time on SB 2303.

Sincerely,
Dora Tschosik

I support school choice!

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

February 3, 2025

Dear Members of the Senate,

Our names are Ralph and Kathleen Charley. We live in Minot and are the parents of twelve children. Our journey through our city's schools has spanned many years and has included both public and non-public education. Our youngest child will graduate from Bishop Ryan this year.

We fully support parental rights to effectively direct the education of our children. For our family, the financial struggles to meet the needs of our children's education in non-public schools have been difficult, but necessary that we do so for some of our children, for many different reasons. Choosing a non-public school was and continues to be important to our family. Developing a strong foundation and character, practicing their faith daily, learning about service to those in need, virtuous caring for others and the importance of spiritual development all matter in our children's education.

We respectfully ask that you support meaningful funding that would allow families financial support for the cost of educating their children in non-public schools. We are grateful for your consideration and thank you for this opportunity to express our support of SB 2303.

Sincerely yours,

Ralph and Kathleen Charley

Testimony in Opposition to SB2303

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.

Studies in states that have invested in these private school funds show that the programs year did not always roll out in predictable ways: certain programs have proven more expensive than anticipated, drawing down state coffers if not state education budgets directly. The primary beneficiaries have of some programs have been affluent families with students already enrolled in private schools. Princeton University researchers have found evidence of Iowa private and parochial schools raising tuition to take advantage of state subsidies, which may make it harder for lower-income families to participate in the programs. It's not possible to know how much students are learning under some of the programs – it's likely to present state policymakers with difficult decisions about the size and shape of the new choice plans – given their emerging impact on state budgets, public school funding and enrollments, longstanding efforts to strengthen educational opportunities for low-income students, and even the sustainability of public charter schools. (Information from "First Results from the New Wave of Public Funding of Private Schooling," www.future-ed.org)

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 SB2303. Thank you.

To the ND Senate 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 SB 2303, 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 SB 2303.

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 SB 2303.

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

Respectfully,



Testimony on Senate Bill 2303

**Presented by Shane Goettle on Behalf of the State Association of Nonpublic Schools
February 4, 2025**

SB 2303

My name is Shane Goettle, and I am here today representing the State Association of Nonpublic Schools. I appreciate the opportunity to testify in support of Senate Bill 2303, a bill that takes a significant step toward ensuring educational opportunity and equity for all North Dakota students.

This legislation establishes an education savings account (ESA) program, providing families with greater flexibility in choosing the best educational environment for their children. The ESA model empowers parents by offering financial support that can be directed toward tuition, educational services, and other qualified expenses. This approach is not only consistent with national trends but aligns with North Dakota's long-standing commitment to parental rights and educational excellence.

Strengthening Educational Choice and Parental Rights

As we consider the future of education in North Dakota, SB 2303 represents a meaningful and necessary advancement in how we support students and families. It recognizes that while public schools serve many students well, there are circumstances where alternative educational pathways—whether through private institutions, homeschooling, or specialized services—better meet individual learning needs.

The constitutional framework of our state provides the legislature with the authority to develop policies that enhance educational access beyond the traditional public school system. SB 2303 does exactly that. By directing state resources toward student-centered funding, the bill ensures that parents, not bureaucratic systems, are the ultimate decision-makers in their child's education.

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 schools that are free from sectarian control, 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 Blaine Amendment, a late 19th-century provision, was introduced as an effort to prohibit public funds from being used for religious education. Though an 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 school teachers 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

SB 2303 is a forward-thinking piece of legislation that builds on North Dakota's commitment to educational opportunity, parental rights, and student success. By establishing education savings accounts, this bill expands access, empowers families, and strengthens educational outcomes across the state.

I urge the committee to support the idea of ESAs, recognizing its constitutional foundation, legal soundness, and its role in fostering a more dynamic and student-centered education system in North Dakota.

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

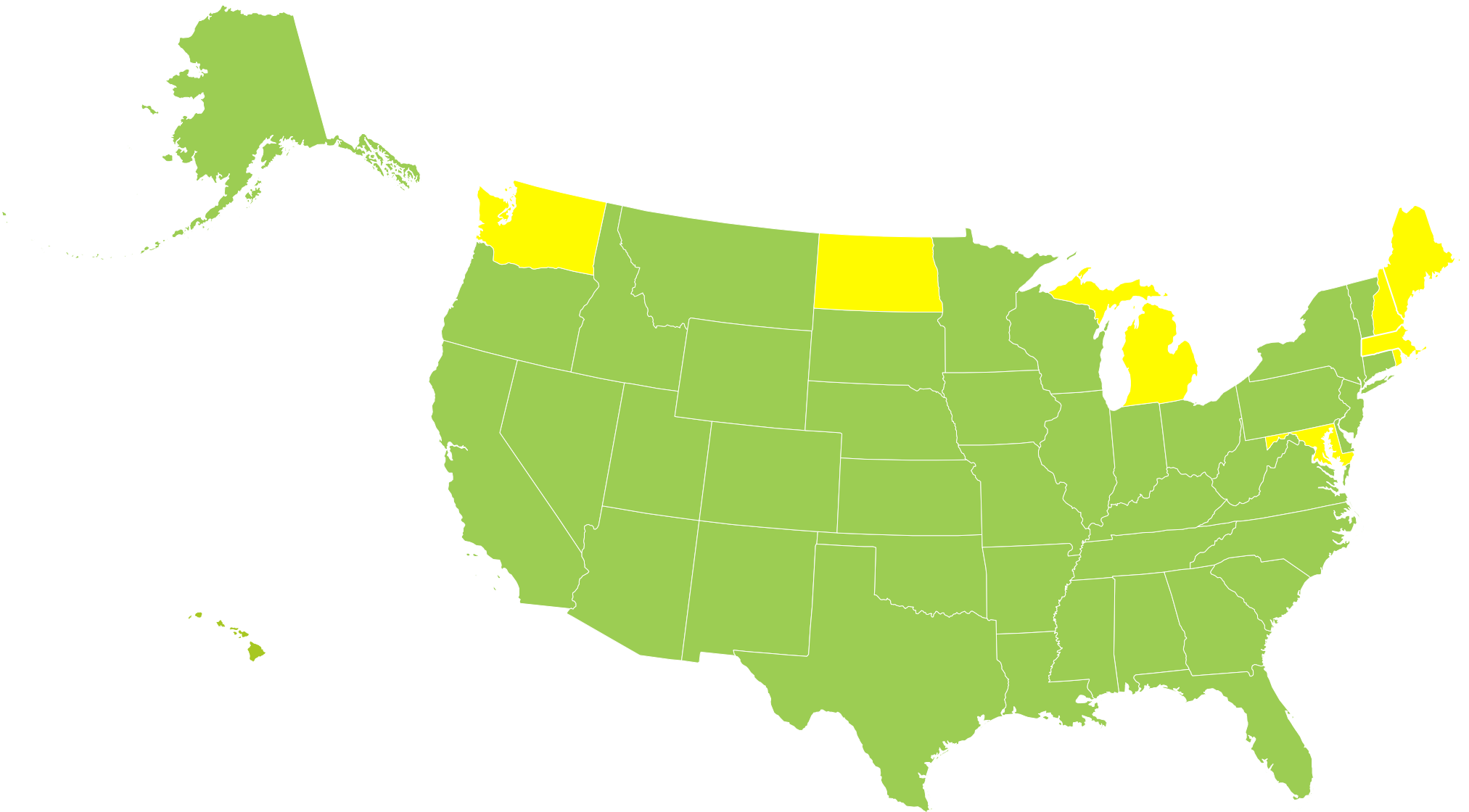
Only one of those Two States Requires Nonpublic School Teachers to be Licensed by the State

North Dakota

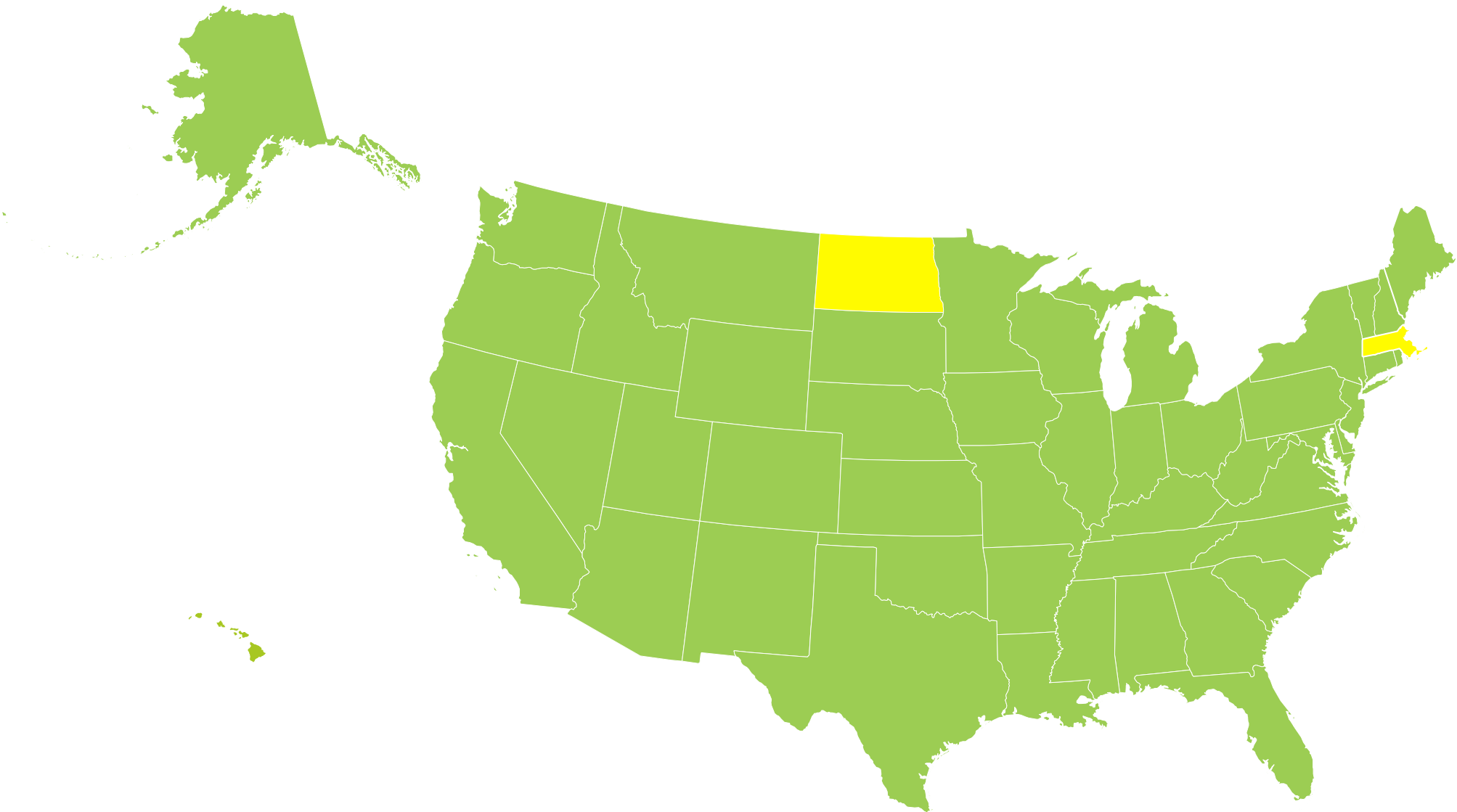
This leaves North Dakota as the only state in the nation that mandates both state approval for nonpublic schools identical to that for public schools and state licensed teachers in nonpublic schools.

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

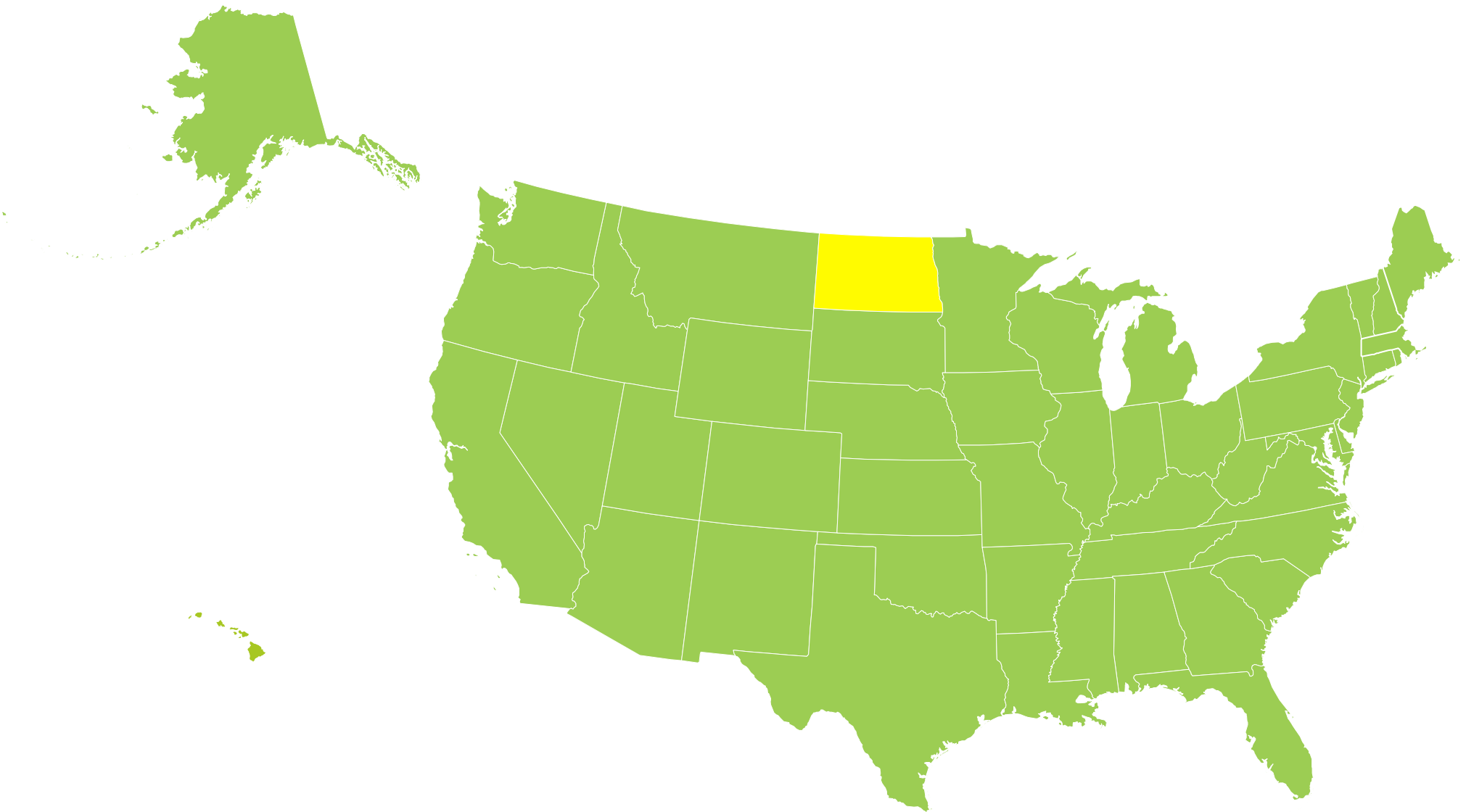
**How does North Dakota rank in its
treatment of nonpublic schools?**



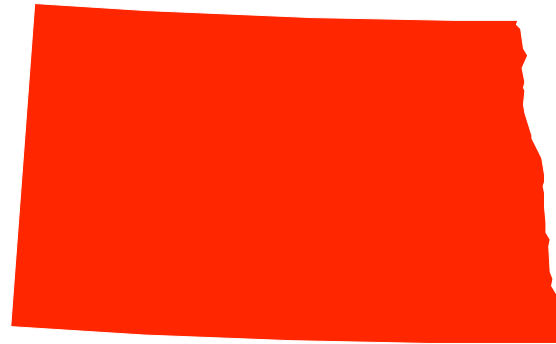
Only eight states require state approval of all nonpublic schools.



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.

Testimony of Jeannie Nasers

Before the North Dakota Senate Education Committee on SB 2303

SUPPORT

February 3, 2025

Thank you, Chairman Beard, and members of the Senate Education Committee for providing the opportunity to submit written testimony in support of Senate Bill 2303. My name is Jeannie Nasers. I live in District 34, and I am 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 Senate Bill 2303, 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.

SB 2303 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 SB 2303 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 Senate Bill 2303.

Sincerely,

Jeannie Nasers

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

Testimony against Senate Bill 2303

Dear members of the Senate Education Committee:

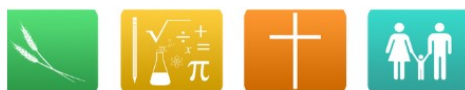
My name is Cam Leedah. I live in rural Leonard. I urge a Do Not Pass on SB 2303.

Whether it be ESAs, vouchers, or “money follows the child”, any taxpayer dollars spent towards non-public schools create serious issues. Here are a few:

- 1) Bigger government (administration) and greater burden to taxpayers. Arizona and other states with ESAs are running into financial trouble.
- 2) Accountability follows the money. Private schools will eventually be subject to rules and regulations that they currently are not under. They will eventually lose their uniqueness and independence that has made them different from public school.
- 3) Costs for tuition will rise, as they have in states that have had ESAs and vouchers for more than a few years. This is a burden for the non-public schools that do not take the money, and may indeed cause the end to some.

Non-public schools that use public money become **just a different type of public school**. That is not true school choice. In the end, the parent is simply deciding which type of public school they want.

Give this bill a Do Not Pass.



North Dakota Home School Association

Serving Home Educators since 1985

SB 2303

No

Chairman Beard and Members of the Senate Education Committee,

As representative for the North Dakota Home School Association (NDHSA), I would urge a **“do not pass” recommendation for SB 2303**. There are many bills this session deemed “choice” when they are really about funding. The NDHSA is and has always been opposed to public funding of home education. That is where the vast majority of homeschoolers land on this issue and yet we are always added to these bills. It is frustrating and gives both legislators and the public the impression that home educators are wanting public funding of their educational choice - **this is not true!**

Publicly funding home education or private education will in essence end private education through the loss of independence and autonomy. We hear over and over that our freedoms will be preserved and there won't be strings attached, but that is a fantasy. When people become dependent on government, often they are willing to give up freedom rather than to lose that “help.”

As I digest the bill it does leave me a bit confused. Page 4 line 26 uses the term “private school.” So is this a bill to fund private schools with tax payer dollars? Page 3 lines 4 and 5 says that monies can be used to purchase curriculum or pay tuition fees for online learning programs. That could indicate homeschools. Then on page 4 lines 3 and 4, it says a student can transfer to another private school or homeschool and retain funds.

Several countries which embraced “school choice” through funding eventually lost the ability to have prayer or religious curriculum in their once private schools. Homeschooling also became illegal. This has happened in Sweden, Australia and South Africa. Home educators in these countries are embroiled in court battles and some have had their children removed by the state because of programs such as are being proposed and implemented in the United States.

We would respectfully ask you to use these dollars in another way and keep home educators out of all Education Savings Account bills.

Sincerely,

Theresa Deckert 701-662-4790

Legislative Liaison/Lobbyist

North Dakota Home School Association

Education Committee Members,

Good morning, my name is Marie Franks of Aftyn Twp. adjacent to Minot on the south side. I would like to give you a brief background on who I am and what brings me to ask that you support HB 1540 and SB 2303.

I am a transplant to the beautiful state of ND and have been living here now for over 17 years. Before ND, I lived in PA with my husband where I studied for and obtained my master's in human resources administration. Prior to PA, I was born and raised in Sault Ste. Marie, ON Canada where I worked as a police officer for 10 years before moving to the United States to pursue my education and then marry my husband.

My husband and I have 2 children, our daughter is a junior at the University of Mary, studying biology and our son is a freshman at Bishop Ryan Catholic School. I am here to speak about the benefits of supporting educational freedom or school choice which is related to an educational savings account program or other bills that fund the same idea.

While there are several benefits to educational freedom, I would like to speak to 3 of them. Firstly, evidence shows that school voucher programs "have a positive effect on public students' scores and other metrics of student wellbeing" (Education Freedom Benefits All Student-Even Public-School Students, Cato Institute Blog, March 22, 2021). In reading several articles, blogs and online reports, a common thread among the information was that competition for students creates innovation and accountability for student academic achievement as well as giving parents choices that help them find educational opportunities that best suite the needs of students. The public schools just cannot do everything well for all kids.

The impact of school choice programs for students and families is significant in that data reveal advancements in student participation rates, academic outcomes, and parental satisfaction. As schools strive to meet families' expectations and demonstrate quality education outcomes, they attract and retain students. This is true for public school students as well as private schools or charter schools (which we do not have in ND). Parental satisfaction is an essential metric but one that is limited here because of the stronghold the state has on the educational options available, namely, the government run public schools or the out-of-pocket private schools and homeschools.

There is growing support for school choice, a concept that promises to improve education by allowing parents to choose between public and private schools using government (taxpayer) money. Now, this is a hot button topic! Using government money to fund educational choice (especially when a parent would choose a religious affiliated school). Some would argue that it is not allowed because of the separation between church and state. However, there is Supreme Court precedent that ruled that education funding following a student is not a violation because the primary beneficiaries are the families and their students, and they have a choice in the matter.

For too long, the only special interest groups in K-12 education that were being heard were the employee unions, teacher and administrator unions. Now there's a new special interest group and it is the parents, and we are not going away anytime soon. Parents felt powerless in 2020 during the Covid shutdowns and the years following as they caught glimpses of what was happening in their

kids' classrooms via zoom or not happening, depending on where your child was being educated. For many parents, it was as awakening to how few options were available to parents here in ND and how responsive our schools were to the needs of parents, a child's primary educator and how difficult it was to affect change. Many parents felt powerless and many still do and this has given rise to the need for better options for educational choices in our state.

The argument that school choice is going to defund public schools or that there is no accountability is just plain false. Public schools that continue to fail their students defund themselves when they do not provide a solid educational product, similarly, a private school would cease to exist if it did not provide a great educational product. In fact, when I first moved to Minot, I was appointed to the Minot Catholic Schools school board and the projection numbers for long-term viability were bleak. After a major internal assessment and with the input from many stakeholders and new leadership, new curriculum and hard work, Bishop Ryan has turned the tide and is thriving. Low performing public schools coupled with few educational options is a major disservice to our families and to our state as a whole.

In ND, that average cost to educate a child in the public schools is estimated at \$17, 689 in the latest research year 2024-25 in Public School Review. While the average cost to taxpayers for students in school choice programs is approximately \$6000, about 1/3 the cost.

As a parent that pays taxes to the school district I live in and to which I get no benefit from that school and in addition we pay tuition to send my child to Bishop Ryan, the costs really seem unjust.

I truly believe that money for educating a child should follow the child. While critics argue that choice programs will dismantle or defund public education by shifting large number of students, the data tells a different story. Expanding choice programs does not harm public schools but rather serves to help them rise because they will have smaller class sizes making it easier to spend more time with students who need help, perhaps helping those in rural areas that are severely restricted by options, giving them opportunities that cannot exist in the system as it currently is.

As the primary educators of our children, we must be given the opportunities to select the educational product that will best suit our kids and should not be penalized or restricted to the only choice being public, government funded school. Having a monopoly on education in this state is not serving our students, their families or large employers with recruitment and retention issues (like healthcare and other industry). Without educational freedom options that enhance and empower parents to help their kids attain the best possible education outcomes, we place yet one more hurdle to becoming the best state to live in, work, play and learn in. Attracting new people to North Dakota means opening our minds to unrestricted education freedom to establish an atmosphere in which individuals can realize their best academic outcomes.

Please vote yes on HB 1540 , SB 2303 or any other bill that speaks to the same issue.

Thank you!



Testimony in Opposition to Senate Bill No. 2303

Chairperson and Members of the Committee - Thank you for the opportunity to testify today. I'm here representing NDCEL and your school administrators and I strongly oppose SB 2303 due to its detrimental impact on public education, its unconstitutional redirection of public funds, and its lack of oversight and accountability.

Unconstitutional Use of Public Funds

This bill violates the North Dakota Constitution, which explicitly prohibits public funds from being appropriated to private or sectarian schools (Article VIII, Sections 1 and 5). The creation of education savings accounts (ESAs) diverts taxpayer dollars from public schools to private institutions, effectively undermining the state's obligation to provide free and equitable public education. Public funds should be invested in strengthening our public schools, not subsidizing private choices that operate outside of state oversight. The fiscal note diverts almost \$250M not just from public schools but from every sector funded by the state. This comes with a cost to continue in future years which poses additional fiscal concerns for the future.

Diverting Public Funds Without Accountability

Public schools are held to rigorous accountability measures, including open records laws, standardized testing, and non-discrimination policies—requirements that private schools and education service providers benefiting from ESAs do not have to meet. This bill allows taxpayer money to flow to private entities without ensuring they meet the same academic, financial, or ethical standards as public schools. The absence of clear oversight creates significant risks of fraud, mismanagement, and inequitable educational outcomes.

Negative Impact on Public School Funding

SB 2303 reduces state aid to public schools by siphoning funds to education savings accounts. As public schools lose funding, they face budget cuts that harm students, teachers, and programs. The funding formula outlined in the bill means that local school districts will receive less per-pupil funding, exacerbating disparities between well-funded and underfunded districts. At a time when public schools are already facing financial pressures, this bill further weakens their ability to provide quality education for all students.

Lack of Protections for Students and Families



Private schools and education service providers participating in the ESA program are not required to adhere to the same academic and civil rights protections as public schools. This means they can deny admission based on academic ability, special education needs, or other criteria, potentially leaving vulnerable students without adequate educational options. Additionally, the bill does not provide sufficient safeguards to ensure that funds are spent appropriately, increasing the risk of waste and abuse.

Undermining Rural Schools

The bill disproportionately harms rural school districts, where private school options are limited or nonexistent. Because public schools in these areas rely heavily on state funding, any reduction in per-student funding can be devastating. Students in rural communities deserve well-funded schools with robust educational opportunities, not policies that divert resources away from them.

Significant Cost to Taxpayers

The proposed ESA program comes with a substantial financial burden, shifting public dollars to private entities with little return on investment. Rather than addressing issues within the public school system, this bill creates an expensive and inefficient program that weakens public education while failing to provide meaningful oversight of taxpayer dollars. I'm guessing if we polled North Dakota citizens, they'd prefer \$250M in property tax relief over funding for education outside of public schools. In fact recent polling shows that to be true with 70% of those polled.

Conclusion

Public education is a fundamental public good that must be preserved and strengthened. I strongly urge the committee to reject this bill and instead focus on policies that enhance, rather than dismantle, our public education system.

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

NDCEL Position Statement on Public Funding for Private Education, Charters, Vouchers, or ESA's that provide private school reimbursement.

As advocates for equitable and high-quality public education in North Dakota, we uphold the following principles regarding charter schools, vouchers, Education Savings Accounts (ESAs), and private school tuition:

1. Commitment to Public Education

We believe that public funds should be dedicated to strengthening public schools as that is the only education that is constitutionally obligated and driven, ensuring all students have access to quality education regardless of their socioeconomic status. Diverting public dollars to private institutions undermines this commitment and can lead to resource disparities. While proponents continue to say that putting dollars toward this doesn't hurt funding toward public schools, we would challenge that notion by indicating that **all agencies and all requests** come out of the same pot of dollars. Whenever there is an expenditure with a cost to continue, that not just takes from education but from EVERY sector – NDDHS, Transportation, Emergency Services, etc. etc.

2. Constitutional Considerations

The North Dakota Constitution mandates the provision of a uniform system of free public schools throughout the state and one that is free from sectarian control. South Carolina supreme court just ruled their ESA to be unconstitutional because of private school tuition reimbursement and their constitution is quite similar to ours. Allocating public funds to private schools, whether through vouchers, charters, or ESAs, as reimbursement to parents based on tuition raises significant constitutional concerns. Notably, in *Bismarck Public School District No. 1 v. State of North Dakota*, the court emphasized the state's responsibility in maintaining public education. There is no state constitutional obligation to provide money for school choice. I like to share a simple analogy to help explain this. If I invite everyone in my neighborhood over to my house for dinner and I serve hamburgers, if one of my neighbors chooses to go get pizza instead, am I obligated to pay for their pizza bill as well?

3. Public Opinion

Recent extensive surveys indicated that a substantial majority of North Dakotans oppose using public money for private school tuition. A poll released in January 2025 showed that 68% of respondents strongly opposed public funds being allocated to private education. What our constituents of North Dakota care about the most are #1 – property tax relief, #2 – free lunches for our students of North Dakota. This makes natural sense, 91% of our students in North Dakota attend public schools, that means that a common percentage of parents and grandparents have students in public schools. They want the investment to go to their teachers and their schools.

4. Legislative Actions

Despite public opposition, legislative efforts have been made to channel public funds toward private education. For instance, House Bill 1532 in 2023 proposed allocating \$10 million in state funds for private school tuition assistance. Such measures not only contradict public sentiment but also divert essential resources from public schools and all other constitutionally obligated budgets. There are MANY bills this session that are all attempting a similar attempt.

5. Sufficiency of Current Public-School Options

North Dakota's public schools are equipped to offer diverse educational opportunities. Existing legislation allows for innovative programs within the public-school framework, effectively providing choices comparable to charter models or micro-school options without diverting funds to private entities.

6. Lack of Evidence for Improved Outcomes

Research does not conclusively demonstrate that vouchers, charters, or ESAs lead to improved educational outcomes. A report by the Brookings Institution highlighted concerns regarding the efficacy of such programs, suggesting that they do not necessarily result in academic performance but do exorbitantly impact state budgets.

7. Impact on Existing Private Education Support

The introduction of public funding mechanisms for private education, such as vouchers and ESAs, has the potential to alter existing funding dynamics. While comprehensive data specific to North Dakota is limited, national trends indicate that increased public funding for private education can lead to adjustments in private contributions, including those from religious institutions. It is essential to monitor and assess these impacts to ensure that the introduction of public funds does not inadvertently reduce private support for private education.

25.0768.02001
Title.

Prepared by the Legislative Council
staff for Senator Wobbema
January 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2303

Introduced by

Senators Wobbema, Boehm, Cory, Gerhardt

Representatives Hauck, Koppelman

- 1 A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century
- 2 Code, relating to an education savings account program.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** A new chapter to title 15.1 of the North Dakota Century Code is created and
- 5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Administrator" means an organization registered by the secretary of state to do
- 9 business in North Dakota and designated by the Bank of North Dakota to
- 10 ~~implement~~assist in the implementation of this chapter.
- 11 2. "Department" means the department of public instruction.
- 12 3. "Education service provider" means an individual or organization approved to provide
- 13 qualified education services. The term does not include a participating school.
- 14 4. "Eligible postsecondary institution" means a community college, an accredited
- 15 university, or an accredited private postsecondary institution.
- 16 5. "Eligible student" means:
- 17 a. An elementary or secondary student who is a resident of this state and is eligible
- 18 to attend a public school; or

b. A student who has received a scholarship under the education savings account program until the student graduates high school or reaches twenty-one years of age, regardless of household income.

6. "Parent" means a resident of this state who is a parent, guardian, custodian, or other person with the authority to act on behalf of the child.

7. "Participating school" means any ~~private~~nonpublic school providing education to elementary students, secondary students, or both that has notified the administrator of the school's intention to participate in the education savings account program and comply with the education savings account program requirements under this chapter and related administrative rules.

8. "Private tutoring" means qualified tutoring services approved to receive payment under this chapter.

Account deposits - Parent agreement - Qualified expenses - Enrollment.

1. The Bank of North Dakota ~~annually~~ shall deposit into ~~an~~each education savings account eighty percent of the dollar amount under subsection 3 of section 15.1-27-04.1 for the respective year.

2. The department shall give priority access to the education savings account program to the sibling of a student already enrolled in the education savings account program.

3. A parent of an eligible student qualifies for a state grant to the child's education savings account if the parent signs an agreement ~~with the department~~ promising:

a. To provide an education for the eligible student in at least the subjects of reading, grammar, mathematics, social studies, and science;

b. Not to enroll the parent's eligible student in a public school;

c. To use education savings account program funds solely for qualified expenses under this chapter;

d. To comply with the requirements outlined in this chapter and any related rules;

e. If the participating student is a child with a disability, to acknowledge the parent has received information from the department and understands participation in the education savings account program qualifies as a parental placement of the parent's child under the Individuals with Disabilities Education Act [Pub. L. 108-446; 20 U.S.C. 1412(a)(10)(A)]; and

- 1 f. To notify the department if the parent's student terminates participation in the
2 education savings account program and enrolls in a public school.
- 3 4. A parent participating in the education savings account program shall use the funds
4 deposited in the eligible student's account for the following qualifying expenses to
5 educate the eligible student;
- 6 a. Tuition and fees at a participating school;
7 b. A textbook required by a participating school;
8 c. Payment for private tutoring or to another educational service provider;
9 d. Payment for purchase of curriculum;
10 e. Tuition or fees for a nonpublic online learning program;
11 f. Fees for national norm-referenced examinations, advanced placement
12 examinations or similar courses, and any examinations related to college or
13 university admission;
- 14 g. Computer hardware, software, or other technological device that is used solely
15 for a student's educational needs and approved by the department or a licensed
16 physician, provided hardware purchased with education savings account funds
17 may not be resold within one year of purchase;
- 18 h. Reasonable fees for transportation paid to a fee-for-service transportation
19 provider for the student to travel to and from an education service provider;
- 20 i. Tuition and fees at an eligible postsecondary institution;~~or~~
21 j. A textbook required for college or university courses; and
22 k. Upon graduation, a transfer to a North Dakota education savings plan under
23 section 6-09-38.
- 24 5. A participating school, private tutor, eligible postsecondary institution, or other
25 education service provider may not refund, rebate, or share a student's grant with a
26 parent or the student in any manner.
- 27 6. A parent may make a payment for the cost of educational programs and services not
28 covered by the funds in the child's account.
- 29 7. A participating student must ~~be counted in the enrollment figures for~~ inform the
30 department of the student's school district of residence for the purposes of calculating
31 state aid ~~to~~ for the school district of residence. The funds needed for a grant to an

~~education savings account must be subtracted from the state school aid payable to the student's school district of residence and forwarded to the Bank of North Dakota for deposit in the education savings account. Twenty~~ The department shall forward twenty percent of the dollar amount under subsection 3 of section 15.1-27-04.1 for the respective year ~~per grant must be paid~~ to the school district of residence for each participating student residing in that school district in addition to any other state aid paid to the school district.

8. The state treasurer annually shall transfer the funds required for education savings accounts from the general fund to the Bank of North Dakota for deposit quarterly in each education savings account.

9. Funds, not to exceed twenty-five percent of the amount under subsection 1, not expended over the course of a school year may be carried forward for use in the following school year for a child who remains in the education savings account program. If a parent removes a child from the education savings account program before the end of the school year, any remaining funds from that school year must be returned to the state and be allocated to fund other accounts. A student may transfer to another nonpublic school or home school and retain the funds in the education savings account.

~~9.10.~~ Funds deposited in an education savings account do not constitute taxable income to the parent or the education savings account student.

Bank of North Dakota - Administrator - Administration.

1. The Bank of North Dakota shall:

- a. Qualify private financial management firms to manage and administer education savings accounts.
- b. Conduct or contract for the auditing of accounts and, at a minimum, conduct random audits of accounts on an annual basis. The Bank of North Dakota may make a parent of an eligible student ineligible for the education savings account program if the parent substantially misuses the funds in the account.
- c. Refer cases of substantial misuse of funds to law enforcement for investigation if evidence of fraudulent use of an account is obtained.

- d. Make payments to eligible students' education savings accounts on a quarterly basis.
- e. Adopt rules and procedures as necessary for the administration of the education savings account program.
2. The administrator shall provide to the parent of a participating student a written explanation of the allowable uses of education saving accounts, the responsibilities of the parent, and the duties of the administrator.

Participating schools - Accountability standards.

1. To ensure students are treated fairly and kept safe, each participating ~~private~~nonpublic school shall:
 - a. Comply with all health and safety laws or codes that apply to ~~private~~nonpublic schools;
 - b. Obtain certification of approval under section 15.1-06-06.1;
 - c. Hold a valid occupancy permit if required by the school's municipality;
 - ~~e.d. Certify the school complies with the nondiscrimination policies under [42 U.S.C. 1981]; and~~
 - ~~d. Conduct criminal background checks on employees. The participating school shall exclude from employment any individual who:~~
 - ~~(1) Is not permitted by state law to work in a private school; and~~
 - ~~(2) Might reasonably pose a threat to the safety of students.~~
2. To ensure funds are spent appropriately, a participating school shall:
 - a. Provide a parent with a receipt for all qualifying expenses at the school.
 - b. Demonstrate the school's financial viability, if the school is to receive fifty thousand dollars or more during the school year, by filing with the administrator before the start of the school year:
 - (1) A surety bond payable to the state in an amount equal to the aggregate amount of the funds from education savings accounts expected to be paid during the school year from students admitted at the participating school; or
 - (2) Financial information demonstrating the school has the ability to pay an aggregate amount equal to the amount of the funds from education savings

accounts expected to be paid during the school year to students admitted to the participating school.

3. To allow parents and taxpayers to measure the achievements of the education savings account program:

a. Parents shall ensure:

- (1) The eligible student annually takes the state achievement tests, nationally norm-referenced tests, or equivalent tests that measure learning gains in mathematics and language arts, and provide for value-added assessment. If a parent selects the state achievement test, the department shall pay associated costs and materials;
- (2) The results of the tests are provided to the department or an organization chosen by the state on an annual basis;
- (3) The student information is reported in a way that allows the department to aggregate data by grade level, gender, family income level, and race; and
- (4) The department, or an organization chosen by the department, is informed of the eligible student's graduation from high school.

b. The department, or an organization chosen by the department, shall:

- (1) Ensure compliance with all student privacy laws;
- (2) Collect all test results;
- (3) Provide the test results, associated learning gains, and graduation rates to the public on the department's website after the third year of test and graduation-related data collection. The findings must be aggregated by the student's grade level, gender, family income level, number of years of participation in the education savings account program, and race;
- (4) Provide rates for high school graduation, college attendance, and college graduation for participating students to the public on the department's website after the third year of test and test-related data collection; and
- (5) Administer an annual parental satisfaction survey requesting each parent of a student receiving an education savings account program grant indicate the number of years the child has participated in the education savings account program and express the parent's:

- 1 (a) Satisfaction with the education savings account program; and
- 2 (b) Opinions on other topics, items, or issues that may indicate the
- 3 effectiveness of the education savings account program.
- 4 4. A participating ~~private~~nonpublic school or other education service provider is
- 5 autonomous and not an agent of the state or federal government and:
- 6 a. The department may not regulate the educational program of a participating
- 7 ~~private~~nonpublic school or education service provider that accepts funds from an
- 8 education savings account, except as ~~otherwise~~ provided ~~by law~~under this
- 9 chapter and chapter 15.1-23;
- 10 b. The creation of the education savings account program does not expand the
- 11 regulatory authority of the state, its officers, or a school district to impose an
- 12 additional regulation of ~~private~~nonpublic schools or education service providers
- 13 beyond the regulations necessary to enforce the requirements of the education
- 14 savings account program; and
- 15 c. Participating ~~private~~nonpublic schools and education service providers must have
- 16 the freedom to provide for the educational needs of the school's students without
- 17 governmental control.

18 **Department of public instruction - Administrator - Duties.**

- 19 1. The administrator shall:
- 20 a. Ensure eligible students and parents are informed annually of the schools that
- 21 will be participating in the education savings account program.
- 22 b. Create a standard form a parent of an eligible student may submit to establish a
- 23 student's eligibility for the education savings account program. The administrator
- 24 shall ensure the application is readily available to interested families through
- 25 various sources, including the department's website.
- 26 c. Accept applications on a year-round basis and shall approve applications in a
- 27 reasonable time frame.
- 28 d. Execute a multimedia marketing program targeting eligible families, especially
- 29 those below the state's median household income, informing the families about
- 30 the education savings account program and how to apply.

e. Establish a web and phone-based support system providing parents with education savings account program application support and ongoing account maintenance support.

2. The department may bar a participating school or education service provider from the education savings account program if the department determines the participating school or education provider has:

a. Routinely failed to comply with the accountability standards established under this chapter; or

b. Failed to provide the eligible student with the educational services funded by the education savings account.

3. If the department bars a participating school or education provider from the education savings account program, the department shall notify eligible students and parents of the decision as quickly as possible. A parent may appeal a decision of the department under chapter 28-32.

4. The department shall adopt rules and procedures as necessary for the administration of the education savings account program.

School districts of residence - Duties.

The school district of residence:

1. Shall provide a participating school or education provider that has admitted an eligible student under this chapter with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 [20 U.S.C. Section 1232(g)].

2. May provide transportation for an eligible student to and from the participating school or education provider under the same conditions as the school district of residence is required to provide transportation for other resident students to ~~private~~nonpublic schools. The school district of residence qualifies for state transportation aid for each student transported.



Great Public Schools

Great Public Service

Testimony Before the Senate Education Committee
HB 2303
February 4, 2025

Good afternoon, Chairman Beard, and members of the Committee. For the record, my name is Nick Archuleta, and I am the president of North Dakota United. North Dakota United is a union of 11,500 professionals, including K-12 teachers, dedicated to public service. On behalf of our members, I rise today in opposition to HB 2303 and urge a ***do not pass*** recommendation for this bill.

Chairman Beard, North Dakotans have long valued the principle of a high-quality public school system. In fact, our founders so valued that principle that they embedded it in our state Constitution. Section 1 of Article VIII states:

"A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, 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. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota."

Section 5 of Article VIII of our Constitution further states:

"All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. 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."

I cite these Constitutional touchstones not as commentary on the constitutionality of HB 2303, though the issue has not been argued before a North Dakota court, but to merely

emphasize that the framers of the North Dakota state Constitution felt strongly that our state should not be in the business of funding private or parochial education.

Members of the Committee, North Dakota United has a long history of opposing proposals that divert money raised for public education and other public purposes to non-public educational entities. Unfortunately, SB 2303 is yet another such proposal.

Vouchers come in many forms, often hiding behind euphemisms such as, “Opportunity Scholarships,” “Tax Credit Scholarships,” “Education Reimbursement Programs,” “Tuition Tax Credits,” “Education Empowerment Programs,” and, in this case, “Education Savings Accounts.” Regardless of the euphemistic titles, they all have the same effect of diverting public funds, intended for public schools and other public purposes, to private schools, private entities, or those educating their children at home.

Chairman Beard and members of the Committee, North Dakota’s public schools have the responsibility of educating every student that walks, runs, rolls, or is carried through our schoolhouse doors. This is a responsibility unique to public schools and we embrace it wholeheartedly because we agree with the principles enshrined in the North Dakota State Constitution.

Private schools and parochial schools do not share that responsibility. They do not have an obligation to educate every student. They alone determine who will and will not attend their schools or avail themselves of their services. They can discriminate against any student for any reason. An example of this is that most private schools do not accept students based on ability because the financial costs of educating students with cognitive impairments are quite high. As a result, and with immense pride, public schools almost exclusively educate these students. And we are honored to do so.

Additionally, Mr. Chairman, SB 2303 does not provide equal opportunity to all North Dakotans. Should SB 2303 become law, it would primarily apply only to those families in large cities where private and parochial schools exist. Taxpayers and their families in rural North Dakota, and those in our smaller communities, would receive no practical benefit from the passage of this bill.

I want to clarify something if I may, Mr. Chairman. ND United has no problem with school choice and never has. We have always maintained the belief that parents should absolutely choose where they want to send their kids to be educated. But we also believe, just like the framers of the North Dakota state Constitution believed, that the choice to educate one's children in a private or parochial school, should not be subsidized by the taxpayers of North Dakota.

Finally, I want to leave you with these points to consider:

- **Vouchers like this ESA mostly fund children already in private school.** Despite supporter rhetoric that voucher schemes are about new opportunities, the reality is 70-80 percent of kids in states like Arizona, Wisconsin, and Indiana, were already in private school before taxpayers picked up the tab. In New Hampshire, that number is 9 out of 10 already-private school kids.
- **This is the proverbial “camel's nose under the tent.”** In Arizona, what started as a small voucher program has grown to consume one fifth of the Arizona school budget. <https://www.propublica.org/article/arizona-school-vouchers-budget-meltdown>
- **There is limited accountability called for in SB 2303.** In contrast, North Dakota's public schools, governed by locally elected school boards, must account for every dime they receive from the taxpayers of North Dakota.
- **Private and parochial schools routinely discriminate against students they do not want to educate.** Should SB 2303 become law, private and parochial schools will use public money to choose only the students they want to educate and turn away students they don't want to attend their schools.
- **The vast majority of North Dakota's small and medium sized communities will get no benefit from SB 2303.** What they will see is their tax dollars going to our larger communities to educate children, the vast majority of whom are already enrolled in private and parochial schools.

For these reasons, Chairman Beard, and members of the Committee, I strongly and respectfully urge a ***do not pass*** recommendation for SB 2303. With that, Chairman Beard, I will conclude my testimony and stand for questions you may have.

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 Senate Bill 2303

2
3 Chairman Beard 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 Senate Bill 2303, which seeks to create an
7 Education Savings Account (ESA) program that would divert public education funds to private
8 schools, homeschooling, and other non-public education services without meaningful oversight,
9 transparency, or accountability.

10
11 As a fiscally responsible, conservative state, North Dakota must ensure that taxpayer dollars are
12 spent efficiently and effectively. SB 2303 fails to meet this standard. Under this bill, the Bank of
13 North Dakota would be required to deposit 80% of per-student state funding into an ESA for
14 participating students, while 20% of the funding would remain with the student's resident public
15 school district. This means that public schools—which are responsible for serving all students,
16 regardless of ability, income, or background—would lose the vast majority of state funding for
17 students who opt into the ESA program.

18
19 This bill creates an inequitable system where public dollars are used to fund private education
20 without requiring the same level of accountability, oversight, or transparency that public schools
21 must uphold. Private schools that receive ESA funds would not be required to follow state
22 academic standards, administer standardized assessments, or provide financial audits to the
23 public. Additionally, these private institutions can selectively admit students, potentially leaving
24 behind those with disabilities, behavioral challenges, or other educational needs that public
25 schools are legally required to serve.

26
27 Furthermore, SB 2303 disproportionately benefits urban families while failing to support rural
28 students. The majority of North Dakota's 170 school districts are in rural communities that lack
29 private school options. This bill creates a scenario where urban families with access to private
30 schools and alternative education providers benefit the most, while rural students have no viable
31 options for using these funds. We should not incentivize urban areas at the expense of rural
32 communities. If the intent is truly to support all students, then any ESA program should provide
33 equal funding for all 127,500 students in North Dakota—regardless of their educational setting.
34 SB 2303, however, prioritizes private education and disadvantages public school students.

35
36 This bill also raises serious constitutional concerns. North Dakota's Article VIII, Section 5, and
37 Article X, Section 18 explicitly prohibit the use of public funds for sectarian schools. By directing
38 state dollars into private education accounts that can be used for religious school tuition, SB
39 2303 attempts to circumvent these constitutional protections and could invite legal challenges.

40
41 Another major flaw in SB 2303 is the lack of strong financial oversight and safeguards against
42 misuse. While the bill states that the Bank of North Dakota will conduct random audits, it does
43 not require systematic financial reporting from participating families or institutions. Without clear,
44 enforceable guidelines, there is significant potential for fraud and misuse of taxpayer dollars.

45 Public education funding should come with clear accountability measures to ensure funds are
46 being used appropriately and effectively.

47

48 If North Dakota is going to invest in education, public dollars should remain accountable,
49 transparent, and equitably distributed for the benefit of all students—not just a select few. SB
50 2303 fails to meet this standard by funneling public money into private institutions with no
51 guarantee of quality, fairness, or financial responsibility. Instead of weakening our public school
52 system, we should focus on strengthening public education to ensure every student—regardless
53 of where they live—receives a high-quality education.

54

55 For these reasons, I urge you to oppose SB 2303 and any legislation that diverts public
56 education funds to private institutions without accountability, transparency, or fairness.

57

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

Testimony in Opposition to SB2303

Chairman Beard and Members of the Committee,

My name is Leslie Bieber and I am the Superintendent of Alexander Public School. I am in opposition to Senate Bill 2303.

Impact on Public Schools and Rural Districts

Public education serves as the foundation of our democracy, ensuring every child has access to a free and fair education. By diverting public funds away from public schools, we risk weakening the very institutions that serve the majority of North Dakota's students, especially in small, rural communities where public schools are often the only viable option.

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 those supporting 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 would benefit every student by still supporting their education choice.

Senate Bill 2303 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 structure that benefits a select few, I urge the Legislature to redirect these funds toward a universal meal program that serves **every** child in North Dakota, ensuring that no student goes hungry, regardless of where they receive their education.

I respectfully ask this committee to oppose SB 2303. Thank you for your time and consideration.

1 North Dakota School Study Council Testimony in Opposition to SB 2303 – Education
2 Savings Accounts

3 Chairman Beard and Members of the Senate Education Committee,

4 Thank you for the opportunity to provide testimony on SB 2303. My name is Paul
5 Stremick and I represent the 18 schools in the North Dakota School Study Council. I
6 am here today to express my strong opposition to SB 2303, which proposes the
7 establishment of Education Savings Accounts (ESA). While the concept of school
8 choice may appear beneficial on the surface, this bill presents significant concerns
9 regarding financial accountability, fairness, and the fundamental principles of North
10 Dakota's education system.

11 Accepting Public Dollars Means Accepting Public Accountability

12 First and foremost, SB 2303 lacks any substantial accountability measures for the \$243
13 million in public funds that would be diverted to private education. As responsible
14 stewards of taxpayer dollars, we must ensure that public funds are used effectively,
15 transparently, and with rigorous oversight. This proposal does not align with North
16 Dakota's conservative values of fiscal responsibility and accountability. Public schools
17 operate under strict regulations to ensure that funds are spent wisely and in the best
18 interest of students. ESA funds, however, would be distributed without the same level of
19 scrutiny, leading to potential misuse and inefficiencies.

20 Furthermore, SB 2303 creates unfair competition for public schools. While private and
21 alternative educational institutions would benefit from these funds, they are not held to
22 the same standards as public schools. Public schools must comply with state laws,
23 educational benchmarks, special education mandates, and standardized assessments
24 to ensure quality education for all students. In contrast, private schools and other
25 educational entities benefiting from ESA funds would not be required to follow these
26 same rules, creating an uneven playing field that disadvantages public education while
27 using public money to support institutions that may selectively admit students. During
28 my time in private education, I questioned the superintendent about why our school
29 performed slightly better than our public school counterparts, despite having similar
30 student populations. His response was clear: parents who actively choose to send their
31 children to private schools tend to be more involved in their child's education. This level
32 of engagement contributes significantly to student success.

33 Another significant issue is that several public school districts in North Dakota receive
34 no state funding through the current funding formula, yet they must still adhere to all
35 state education laws and mandates. SB 2303 exacerbates this inequity by redirecting
36 additional state resources to private education while failing to address the disparities in
37 funding for public schools. If the state mandates compliance with educational

38 regulations, it must also ensure that adequate funding is provided to all public districts,
39 rather than diverting essential resources to unregulated private entities.

40 Public schools are the foundation of our communities, serving all children regardless of
41 background, ability, or socioeconomic status. SB 2303 risks undermining this critical
42 institution by prioritizing unaccountable private education funding over the needs of our
43 public school system. North Dakota students deserve a well-funded, transparent, and
44 equitable education system that supports all learners, not just those who can access
45 alternative schooling options.

46 I urge you to reject SB 2303 and instead focus on strengthening our public education
47 system to ensure accountability, fairness, and responsible stewardship of taxpayer
48 dollars. Thank you for your time and consideration. I am happy to answer any questions
49 or provide further information as needed.

50 

51 Dr. Paul Stremick

Hello

My name is Amy Morales, and my husband and I have 7 children. 5 of our children go to Bishop Ryan Catholic school, and we will have another one starting next year. We strongly believe that it is our children's best interest to go to this private school, and a school that follows our beliefs and faith that we teach our children at home. We love our school, and there isn't another option for our family. The school that we go to isn't just a school, it is like a family to us. I can't imagine not being in this community. When my husband and I made the decision to go to Bishop Ryan 10 years ago, we truly believe that was one of the greatest decisions we made. We love that the kids are getting a great education, but they are also immersed in our Catholic faith all day. We would love to have the option of having more financial support to send our kids where it is best for our family. If we had the option to have government financial support, it would take a lot of financial stress off our family. With having our children in private school, we currently live paycheck to paycheck, but it is important to us that we give our children the best option. With 3 of our children being on IEP's, I feel that sending them to a nonpublic school is the best option for them, and it is important to make the best decision for each child and family.

Thank you for your time.

To: Senate Education Committee Members

From: Scott R. Jensen

Senior Advisor to the American Federation for Children

Re: Support for SB 2303

Date: February 4, 2025

On behalf of the American Federation for Children, the nation's largest school choice organization, I would like to express our support for SB 2303 which would create an Education Savings Account program in North Dakota.

As all parents and teachers know, even children in the same family can have very different learning styles. That is why we believe the children of North Dakota deserve a wide variety of publicly funded educational opportunities. Unfortunately, North Dakota is one of three states without public charter schools or private school choice.

SB 2303 is a well-designed bill that includes a number of strong features that would ensure its success. The legislation incorporates features drawn from national model legislation that are tailored to meet the needs of students in North Dakota. I would like to highlight three of these features: 1) the bill provides parents with a robust ESA amount and a broad menu of approved items from which they may customize their child's education to meet their needs; 2) the bill includes strong academic and financial accountability measures including the requirement that participants take either the state test or a nationally norm-referenced exam; and 3) the bill contains protections for the autonomy of private schools and parents to direct the education of their students.

I would also like to note that the fiscal analysis of this bill makes an assumption that does not reflect the experiences of other states with private school choice programs. The fiscal analysis assumes that 100% of the eligible students presently in private schools or home schools will take advantage of the ESA program in Year 1. This has never happened in the 35 year history of the modern school choice movement – not even close. If the Committee members or other legislators would like information on the actual take up rates for existing private school students and home school students, we would be happy to provide that information from states where it is available.

The children of North Dakota should be given the choices available to students in majority of states in the union. Please pass SB 2303.



Home School Legal Defense Association

PRESIDENT	James R. Mason III, Esq. DC, OR
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LITIGATION COUNSEL	Peter K. Kamakawiwoole, Esq. MO, VA
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	Kevin M. Boden, Esq. WA
ASSOCIATE ATTORNEY	Samuel S. Johnson, Esq. AL
PRESIDENT EMERITUS	J. Michael Smith, Esq. VA
OF COUNSEL	Tom Sanders, Esq. TX

February 4, 2025

The Honorable Todd Beard
Chairperson
Senate Education Committee

RE: *Testimony in Opposition to Senate Bill 2303*

Dear Chairperson Beard and members of the Senate Education Committee:

I write to voice our opposition to S.B. 2303, as drafted.

HSLDA, as the world's largest homeschool advocacy organization, opposes the public funding of private home education. We believe that public tax-payer aid directly to home educating families is poisonous to the homeschooling movement. We have several concerns with the bill.

First, it is unclear whether a home educating family would be able to participate in the state funding available under this new bill. Presumably, a home school child is an "eligible student" under the definition provided in Section 1, Definitions, paragraph 5. However, the definition of "participating school" is a "private school" that "...has notified the administrator of the school's intention to participate...."

Second, S.B. 2303 references "any private school" in Section 1, Definitions, paragraph 7. However, NDCC, 15.1-20-02, which sets forth the exceptions to compulsory public school attendance, does not refer to a private school. As such, one is left to presume (or guess) that the private school referenced in the proposed legislation is either "an approved nonpublic school" or "home education" or both. S.B. 2303 should make clear what is referenced here and exclude home education as defined in NDCC, 51.1.20-04.



Third, even if home education is not included as a “participating school”, home education is undoubtedly included under the definition of an “education service provider” under Section 1, Definitions, paragraph 3. The modern homeschool movement over the past 40+ years has been successful not because of government funding, but because of the voluntary association of parents who love their children and desire the best for them. We reject the notion and proposal that a home education parent could now be formally defined as a state “education service provider.”

If the North Dakota Senate desires to fund a parent’s decision regarding the education of his or her child, they can and should do so in a manner that does not jeopardize the freedom of home education. Several states have done this, and I am happy to provide examples of how this can be accomplished and work with the committee if needed to successfully accomplish this. Arizona, Florida, West Virginia, Utah and others have created tax-payer funded education savings account that create a separate compulsory exemption category and leave home education as it is.

It is also worthwhile to note that there is ample evidence that public funding of private education has not produced the results many desire. Just look to the examples of Arizona, Florida, West Virginia, Arkansas and others to find recent examples of the high cost of these programs, the significant implementation challenges and the bureaucratic hurdles they create.

The public, taxpayer funding of private home education places, at least in some small manner, the responsibility for approving decisions of home educating families in the hands of the state. After all, when the government collects tax dollars from residents and gives those tax dollars to others via an education savings account, the state ought to know how those funds are being spent. Isn’t fiscal transparency and responsible stewardship of tax payer funds still a good thing?

I also note that this legislation does not provide any additional educational options for any North Dakota children. S.B. 2303 does nothing to provide any additional choice, but simply provides state funds to the choice that parents already (or want to) make. It forces the tax-payers of North Dakota to pay for the private educational decisions of other families and does not provide any additional education options for families in the state.

Finally, state aid to home education is premised on the notion that the education of children is a state responsibility based on the interests of the state. We disagree. We agree with the Supreme Court when it stated 100 years ago in *Pierce v. Society of Sisters*: “The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” (268 U.S. 510 (1925)). It’s the parent who has this duty, not the state.

For over four decades, HSLDA has stood for homeschool freedom.

I urge a “do not pass” recommendation on S.B. 2303.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Kevin M. Boden".

Kevin M. Boden, Esq.
Staff Attorney

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.

Jordan Wald, 105 30th St NW Minot, ND 58703

Re: Senate Bill 2303

Senate Education Committee

February 4th, 2025

Chairwoman Axtman and members of the Education Committee:

Thank you for the opportunity to provide testimony in support of Senate Bill 2303. Personally, my journey in private education started from the time I was in kindergarten, to my second year in College at the University of Mary in Bismarck. My parents were by no means wealthy; a cabinet maker and a daycare provider. At the time, I didn't realize the sacrifice they made providing a Catholic education to me and my four siblings. I thank God every day they did.

As an adult now, I realize it was my private Catholic education that instilled in me the tools necessary to face the adversities we inevitably will face in our communities. Not the adversities that we all are familiar with, I am talking about the adversities you don't think about because they are too heavy to let them in your head. Adversities like, putting a child down for a nap and never seeing him wake-up, or doctoring with your ailing father for years watching his kidneys fail, giving the news to your wife that none of the five kids are a match for donation, and then watching her go through tests and surgery to donate her kidney to your father; all so he can live to see your children grow. A wife who received the same private education I did. Not speaking to your bother for years due to problems with addiction, watching his niece and nephews pray each day on the way to school that he remembers his foundation of faith. The very school they learned, in part, to pray like that. The adversities that if the members of our communities had the tools to deal with, would make all our communities exponentially better. As depression and anxiety rates skyrocket among our youth, don't you think we are at the point where we need to try anything to arm our kids with all weapons necessary to combat this growing problem? You're right, its not guaranteed these tools are a result of private education, but more affordable access to private Catholic education gives us a heck of a lot better chance. Its occurred to me, my foundations taught at home and reinforced at school gave me what was needed to face the adversities in my life and not be crushed by them.

In closing my testimony, I want to point out that North Dakotans vote overwhelmingly for conservative principles because they believe it is best for the common good. I don't know of a more foundationally conservative principle than the option for a parent to choose the direction of education of their children. Or the principle of a private institution filling a need in our communities supported only by those that use it and believe in its mission. All while decreasing the burden on our state option to fill a similar need. If the citizens clearly support ND conservatism year after year, why is there so much discussion over whether or not to supportively legislate my parental right to direct the education of my children? So that they can be formed not only in education, but formed as humans with the virtues, civic and otherwise, we instill as parents in partnership with our private school. I ask you to support Senate Bill 2303. Take the conservative approach in allowing parents the choice to arm our kids with the tools I am grateful I received. My parents sacrificed everything to provide for me, but the sad part is that it's not always an option for everyone. I feel the direction of your child's education should be an option for every parent should they see the unmatched value in private education that I do. This starts with eliminating the burdens that hinder the choice parents have.

Thank you for your time and your service to our great state,

Jordan Wald, Minot, ND

Dear Committee,

My name is Kelsey Connoles and I am writing today in support of SB 2303. My husband and I are the parents of two North Dakota, elementary-aged school children. Like all parents, we are always looking for ways to best support our children's growth and development, and one of those ways is by choosing the schools our children attend.

The capacity for parents to make educational choices for their children is a freedom that should be allowed to all regardless of financial ability. Parents are increasingly choosing to send their children to non-public schools, but doing so does not come without the financial burden of non-public school tuition.

Having an Educational Savings Account could greatly benefit our family. More importantly, an Educational Savings Account could greatly benefit the families of children whose parents desire a non-public school education for their children but are unable to make a commitment due to financial hardship. Parents of all families deserve to be able to make the educational choices they see best fit their children.

Please consider a 'Do Pass' on SB 2303 for the freedom of educational choice for the parents of North Dakota.

Thank you, Committee, for your time.

Testimony in favor of Senate Bill 2303 - Education Savings Accounts (ESAs)

Chairman and Members of the Senate Education Committee,

Thank you for reviewing my testimony in support of SB2303. Having worked since 2019 to provide my children with the best private education possible, I believe the establishment of Education Savings Accounts (ESAs) would correctly help families meet the educational needs of their children.

According to the ND Department of Public Instruction's own statewide data published on <https://insights.nd.gov/>, no more than 45% of students are proficient or above in English Language Arts, no more than 40% are proficient or above in Math, and no more than 45% are proficient or above in Science. Also, data shows that student academic progress in these and related areas is trending downward, away from long-term goals set by the NDDPI. Furthermore, statewide data shows that ACT scores across all categories have declined for three consecutive years.

It is important for this committee to recognize that underperforming public schools have been documented prior to the establishment of ESAs. Therefore, it is factually accurate to say the root cause of underperforming public schools is unrelated to ESAs in any way. Consequently, it is misleading for those in opposition of SB2303 to claim that funding ESAs would negatively impact public schools because such a conclusion would require us to believe that solving the root cause of their underperformance would be as simple as throwing more money at the problem. Make no mistake, underperforming public schools and how to improve them is a larger, separate discussion that needs to happen elsewhere.

Fortunately, through this bill the focused discussion about establishing ESAs can proceed, and the documented underperformance of the public schools is, by the very nature and definition of the issue, direct evidence in support of establishing ESAs. For instance, if the goal is to do what is best for the child, but the public school is unable to meet their needs and help the child become the best they can be, then there is empirical merit and moral justification for utilizing ESAs to provide families with alternative educational opportunities. It can be as simple as that.

As we have done here, reviewing statewide data as part of a larger, conceptual overview is beneficial. However, it can be even more helpful to go through the same information by using specific real-world examples. My family resides in the Northern Cass School District, and our first-hand experience can provide this committee with such examples.

At the onset of the 2019 school year the school district implemented an experimental Personalized Learning program. As part of their sweeping changes, school administrators promised innovation and greatness for all students. But what I witnessed was my children being subjected to an increased amount of outsourced and impersonal online curriculum, the abolishment of letter grades in the name of equity, systemic removal of incentives for students to excel as individuals, an undisciplined philosophy that allowed students to redo

assignments and retake exams without consequences, and the adoption of a progressive culture focused less on academics and more on social issues.

There quickly came a point when I knew the school was failing my kids and we needed to make a change. That point came when my kids would come home and not be able to tell me or my wife anything they learned at school, at the same time the school would tell us everything was great, all while my eyes watched the school lay the foundation for bad habits, mediocrity, and moral ambiguity. At that point, even without the benefit of ESAs at that time, we decided what was best for our children was to enroll them in Park Christian School and drop them off there every day on my way to work.

Since then, our oldest has graduated from high school with honors, currently attends college, has a job, and volunteers as a teacher at our church. She has become a remarkable young woman. Similarly, our two youngest have consistently achieved excellent grades as they move towards high school, they excel in band, they've developed intangible skills that will continue to grow and stay with them their entire lives, and while they haven't outgrown the shenanigans just yet, they have acquired many of the character traits of God-fearing, honorable young men.

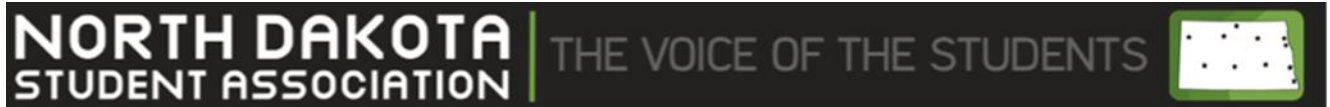
My observations may not be popular in some circles, but it is not my job to only share popular opinions. It is my job to speak the truth, as challenging as the facts may be at times. The bottom line is there is a need for quality education in North Dakota. Underperforming public schools help create demand for access to private schools. Public schools that subvert the authority of parents help drive more demand for access to private schools. Private schools remain in demand because private schools get exceedingly positive results and help nurture children into productive adults. Private schools better meet the educational needs that some families seek.

My family's story and the success of our three children is proof of what can be accomplished through alternatives to public schools. Our story illustrates exactly where ESAs fit into the equation. We live on a farm with a modest, single income to our household, and by the grace of God we have somehow managed to pay out-of-pocket for private education. We are exactly the type of family who would benefit from the establishment of ESAs, and are representative of other families across the state who feel a private education is out of reach for their children. Financial hurdles are the biggest obstacles families face, and ESAs can be tool for families to overcome them.

In a world where ulterior motives influence policy and inaction protects the status quo, Education Savings Accounts represent an opportunity to empower families, to ease financial burdens and to provide children with an education that could leave a multi-generational, life-changing impact. This is a common sense, data driven approach that produces real results. For all these reasons I encourage you to support and pass Senate Bill 2303.

In Christ Alone,

Brian Holte

**SB 2303**

February 4, 2025

Sammi Weber, North Dakota Student Association

Sammi.Weber@und.edu

Chair Beard and Members of the Committee,

My name is Sammi Weber, and I am the President of the North Dakota Student Association. I am writing to express my support for SB 2303.

The North Dakota Student Association (NDSA) is a student organization established in 1969 that is dedicated to ensuring that students have a voice in policy that affects Higher Education. The NDSA consists of delegates from each of the 11 public institutions that meet monthly to engage students in Higher Education policy in North Dakota. Our mission is to empower students, foster collaboration between students across campuses in the North Dakota University System (NDUS), and to advocate on issues of higher education in support of access, affordability, quality, and the student experience.

The education savings account proposed by this bill will ultimately benefit North Dakota higher education students by better preparing them with stronger academic resources and reducing some of the financial burden on families. By allowing more flexibility in how they can allocate their educational savings, parents and guardians can ensure that their children have access to innovative learning environments, specialized tutoring, and advanced education programs. This bill will allow parents and guardians to direct educational funds to where they are necessary, so their students have an education fit to their needs. Stronger academic preparation for primary and secondary students will increase the likelihood of success in higher education should students decide to pursue it.

Senate Bill 2303 will provide families with the opportunity to prepare for the future by saving for children's higher education. With the education savings account available in primary and secondary school, future higher education students will be in a better financial position to invest in themselves. As a university student that has experienced the difficulties of financial strain on myself and my family, I believe that Senate Bill 2303 is a strong step in the direction of higher education affordability. The educational savings account program will assist the success of students who hope to contribute to North Dakota's workforce and community.

On behalf of the NDSA, I respectfully ask the committee for a DO PASS recommendation on Senate Bill 2303.



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

Direct Phone: 701.746.2205, ext. 7117
Fax: 701.772.7739
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

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.

Dear Committee:

I write today to urge you to oppose any legislation that promotes ESAs, vouchers, or “school choice”.

These are plans that will take money that could (and should) otherwise be used to improve our public schools for all students. ESAs and vouchers would take taxpayer money and give it to families who choose to send their kids to schools that can (and do) deny students admission, they take money from the rural taxpayer and redistribute it to areas where private schools are located, and they duplicate services that already exist in many of our communities. They aren’t required to tell the public about what they would be doing with public money. These plans are rife with double-standards and lack transparency and accountability.

I think about people like my family who lives in rural ND. They don’t have these options and they will end up subsidizing a group that doesn’t need it. They were encouraged to help build up rural main streets, but many legislators don’t seem to appreciate that in the ways they should. They don’t want these bills.

The people of ND stand strongly with public education and against these plans. But what does it mean that every advertisement seen on social media and television about ESAs, vouchers, and school choice are funded from an out of state interests? It means North Dakotans aren’t asking for this.

Please vote in opposition to these bills.

Thank you,

Cody Mickelson
Jamestown, ND

**An Education Savings Account Policy Would Benefit All Students,
Including in Rural North Dakota**

**Testimony before
North Dakota Senate Education Committee**

February 4, 2025

Dr. Matthew Ladner

Senior Advisor, Center for Education Policy
The Heritage Foundation

Jason Bedrick, MPP

Research Fellow, Center for Education Policy
The Heritage Foundation

Our names are Matthew Ladner and Jason Bedrick. We are researchers at The Heritage Foundation's Center for Education Policy. The views we express in this testimony are our own and should not be construed as representing any institutional position of The Heritage Foundation or its Board of Trustees.

Senate Bill 2303 would give North Dakota families greater freedom to choose learning environments that align with their values and meet their children's individual learning needs.

As Gov. Kelly Armstrong recently observed in his State of the State Address, with an ESA, the "money follows the student, not the school, ensuring every student has the tools they need to prepare for college, a career or the military."

Education savings accounts, or ESAs, let families access state funds to pay for private school tuition, tutoring, textbooks, online courses, special needs therapy and numerous other educational expenses. Nineteen states have already adopted ESA or ESA-style policies, and several more are considering similar policies this year.

ESA opponents often make two claims: 1) that there are no schooling options in rural areas; and 2) that rural schools are imperiled because so many students will leave for those options. These claims are mutually exclusive. They cannot both be true simultaneously. But they can both be — and indeed are — false.

First, families in rural areas have access to

more education options than ever before. According to an analysis by the Brookings Institution, about seven in 10 rural families nationwide live within 10 miles of a private elementary school.¹ Rural areas are also seeing the rise of microschools, a modern reimagining of the one-room schoolhouse.

Microschool networks like Acton Academy, Adamo Education, Great Hearts, Kai Pods and Prenda are teaching students in small groups, sometimes operating out of homes or church basements. Their approaches vary greatly — ranging from classical to Montessori — but all offer greater flexibility and more individualized attention than the traditional classroom environment.

Additionally, high-quality virtual schools are available to anyone with a decent internet connection, which is becoming increasingly available in rural America. A 2021 survey by the Pew Research Center found that 72 percent rural Americans said they have a broadband Internet connection at home, up nine percentage points since 2016.²

Second, as we detailed in a Heritage Foundation report, fears that the wide availability of education options would harm rural schools are entirely unfounded.³ Arizona, for example, has consistently ranked among the top states for education freedom and choice over the past two decades. More students exercise their school-choice options in Arizona than in any other state. If choice policies harmed district schools, then Arizona's rural schools would be faring far worse

than the national average.

In fact, Arizona's rural schools have fared *much better* than the national average. From 2007 to 2019, Arizona rural students' fourth- and eighth-grade reading, math, and science scores on the National Assessment for Educational Progress increased by a combined 21 points, while scores in rural schools nationally decreased by two points. On the most recent NAEP, post-pandemic, Arizona's rural students still show a stronger trend since 2007 on all six state-level exams than for rural students nationally.

Education choice policies like ESAs expand educational opportunity for rural families while spurring rural district schools to improve their performance. By embracing education choice policies, like the ESA policy proposed in Senate Bill 2303, North Dakota lawmakers can deliver on the promise of America's education system and ensure that all children have access to the learning environment that best meets their individual needs and helps them to achieve their full God-given potential.

¹ Matthew M. Chingos and Kristin Blagg, "Who could benefit from school choice? Mapping access to public and private schools," Brookings Institution, March 31, 2017, <https://www.brookings.edu/articles/who-could-benefit-from-school-choice-mapping-access-to-public-and-private-schools/>.

² Kim Parker et al., "What Unites and Divides Urban, Suburban and Rural Communities," Pew Research Center, May 22, 2018, <https://www.pewresearch.org/social-trends/2018/05/22/what-unites-and-divides-urban-suburban-and-rural-communities/>

³ Jason Bedrick and Matthew Ladner, "Rustic Renaissance: Education Choice in Rural America," The Heritage Foundation, January 9, 2023, <https://www.heritage.org/education/report/rustic-renaissance-education-choice-rural-america/>.

Dear Chairman Heinert and Committee,

My name is Samantha Bryans, I live in District #40, and I am a parent who has chosen to send my children to Bishop Ryan Catholic School. I support HB2303 because it will positively impact our family by easing the financial burden of a private school education. A private school education was an easy decision for our family; we have chosen to lead our family in the Catholic faith, ground our parenting in virtue, and be prudent in our decisions that will help get our children to Heaven, help to make them virtuous leaders, and help to cultivate adults who are contributing members of society.

In 2016, my husband and I were considering options for pre-school for our oldest son. Bishop Ryan offered a full, five-day pre-school option that was unavailable anywhere else. Three months after enrolling, our son was diagnosed with Pediatric Autoimmune Neuropsychiatric Disorder Associated with Strep. We spent the next 18 months doctoring between here, Mayo, and Washington D.C. He was required to be on three different medications three times a day and to do blood work every three weeks. The principal at Bishop Ryan Catholic School offered up her office as a place for him to rest, his classmates' parents jumped in to help with whatever was needed, and when our second son came eight weeks early, the school provided support while we were stretched thin between doctoring for our oldest son and time spent in the NICU. We had several priests and staff members praying for and with our family, offering an anointing of the sick, and providing spiritual support that we would not have received had we enrolled him in a public school. Between an active and open Catholic faith, small class sizes, and an education grounded in virtue, the private school education has inculcated a desire to grow in Christ simultaneously with education.

As an educator myself, I support both public and private school education. However, it is constitutional to provide both the choice and appropriations granted by the state legislator. Please help us to ease the financial burden so that families like ours can provide the best learning environment for our children and their specific needs. I urge you to vote in favor of HB2303.

Thank you for your service to the state of North Dakota and for your time on HB2303. .

Sincerely,

Samantha and Ryan Bryans

Support for HB 2303

HB 2303 is long over-due for the children and parents of North Dakota. The vision of North Dakota education “is that all students will graduate choice ready with the knowledge, skills, and disposition to be successful”. nd.gov/dpi/ This vision applies to all students, **regardless of where** they receive their education. Unfortunately, North Dakota parents may be limited in their decision in determining which school will most appropriately educate their children due to the misuse of educational funding for North Dakota students.

The state of North Dakota only supports the education of **some** children in our state. There are **thousands of children whom the state does not support**. If the primary educators of children, the parents, determine a school other than their local public school is best-suited to educate their children, the parents are then completely responsible for ensuring their child has access to that education. The state, while holding the same graduation standards for all students receiving a ND high school diploma, essentially washes their hands of any responsibility of educating these **other** children, even though these children will become future contributors in our state.

One of the major hurdles in parents accessing education other than at the local public school, is the financial burden placed upon parents. For parents whom the financial burden is too much, they are forced to enroll their children in a school in opposition to what is best for their children. This decision could negatively affect “the knowledge, skills, and disposition to be successful” as future North Dakota adult citizens. nd.gov/dpi/

In addition to parents having hurdles, non-public schools also have hurdles in trying to make education at their schools accessible to all families and their children. When trying to keep the financial burden on parents at a minimum, it means non-public schools are trying to educate their students with less financial resources than their public school counterparts. This obstacle leads to less student and teacher resources. Students most affected by this are those for whom learning may not come as easily, learn differently, or maybe even have a disability. These students may only have access to education at a public school because the non-public school is lacking financial support to provide the additional needed learning resources. At times, this may tear families apart because one child in their family requires additional learning resources and the state will only support this child’s education if the parent chooses to have their child educated in the building marked “public school” rather than educated at the building across the street, marked “non-public” school.

For whom is the state accountable for educating? Does the state of North Dakota find it okay to educate only some of the children within our state, but leave thousands of others to fend for themselves? It seems that everyone would agree that **ALL CHILDREN DESERVE TO BE EDUCATED AND ALL CHILDREN ARE DIFFERENT**. There is not one single classroom, school, or district who can meet the needs of ALL CHILDREN. Therefore, there must be a variety of schools to meet the variety of needs of all North Dakota children. The building within which children are educated, should not determine whether or not North Dakota finds their education important and of value. Does it seem okay to force the decision of parents in choosing the best-suited school for their children based upon that which the state of North Dakota supports? **ALL NORTH DAKOTA CHILDREN OUGHT TO BE SUPPORTED REGARDLESS OF THE BUILDING**

***THEY ATTEND EACH DAY. THE FUTURE OF OUR STATE IS DEPENDENT UPON THE EDUCATIONAL
EXPERIENCE OF TODAY'S STUDENTS. ACT NOW TO SUPPORT THE EDUCATION OF ALL.***

February 4, 2025

North Dakota Senate Education Committee
State Capitol
Bismarck, ND 58501

RE: Endorsement of SB 2303

Esteemed Members of the Senate Education Committee:

Catholic education is an important part of who I am today, the product of a family who believed and supported that opportunity through my school years and continues today with my own four children who are now enrolled at Bishop Ryan Catholic School. You've heard from many parents who are here to advocate on behalf of their children and their families, so instead, I would like to testify on behalf of all of my "other kids"... the students I have the great fortune to work with every day as part of the administrative team at Bishop Ryan.

In my job with enrollment, I meet many families of all social and economic backgrounds, families with years of North Dakota history and families who are new to our area by way of relocation and new opportunity. When these families come to Bishop Ryan, they are attracted by the kind of education we offer and provide, one that we are certainly willing to share about with any family interested. At Bishop Ryan, our education ultimately has the higher goal of raising virtuous children who know Jesus in their lives, but our education also has to answer to the educational and learning benchmarks that garner our accreditation with the state of North Dakota. Our graduates have the benefit of encouraged spiritual well-being, but academically and socially, they are also encouraged to go forward and positively serve in our communities, a common good for our entire state. Our graduates are not turned away from fulfilling lives of service because of the additional blessings they gain with us; we often hear that they are sought after because of the things and the ways they have learned on our campus.

I work with many good people and benefactors who go above and beyond to support our school and to support the families who need additional means to provide this opportunity for their children. These are families who sacrifice and work many jobs to make this educational environment a reality for their children. Unlike the state, we work to give these parents the right to choose the best form of education for their families.

Good students and good families sustain our communities through this shared goal of education, recognizing that there is no single mode of education that has been established as the "right way" for every student and every family. If our state's goal for education is to strengthen our young people and strengthen the future of our state, it only makes sense to support SB 2303 and include the will of parents in deciding what the best environment is for the success of their children, recognizing that there are multiple ways in which that goal is accomplished.

Sincerely,

Jaimie Brunner
1604 Terrace Dr
Minot, ND 58703

Chairman Beard and members of the Senate Committee on Education:

I'm writing in support of SB 2303 and school choice efforts in North Dakota.

My husband and I are homeowners in Minot. We have five children; four are school-age and enrolled full-time at Our Redeemer's Christian School in Minot. This is our fifth year sending our kids to private school—a choice that has been wonderful, both for our children and for our family.

More families deserve the ability to make this choice, if it suits them.

School choice has taken off in the United States in recent years, in the form of ESAs, voucher systems, and other bipartisan efforts in multiple states.

It's time for North Dakota to join the movement.

State dollars (upwards of 14k/student at my last knowledge) currently only benefit the public school system—those dollars **should** be benefitting the students they represent. Let the money follow the students, at the discretion of their families. Granting families access to an ESA or voucher—whatever it ultimately looks like—supports the kind of freedom North Dakotans deserve and will only stand to improve the educational landscape in the state by creating more competition for students and the attached funding.

President Trump has signaled he is strongly in favor of options like SB 2303 with his Executive Order last week—a move that should make funding a movement like this even more inexcusable for our state.

Please support school choice—and what's more, students and families—in North Dakota and vote mark SB 2303 as do pass.

Respectfully,
Carolyn Moore
Minot, ND

Senate Bill 2303
Senate Education Committee - Sen. Todd Beard, Chair
February 4, 2025
Testimony in Opposition to SB 2303 - Vicki Voldal Rosenau

Chairman Beard and Members of the Senate Education Committee, I am Vicki Voldal Rosenau, a parent and lifelong resident of Valley City, ND. Thank you for this opportunity to offer my testimony in opposition to Senate Bill 2303.

I would like to focus my testimony on why SB 2203 not only is unconstitutional, but is opposed by at least 68 percent of North Dakota voters.

Chairman Beard and Members of the Committee, the public as a whole has covenanted to provide public schools as a public service for everyone, by collectively paying taxes for that express purpose. Obviously, we have covenanted to provide other important public services, as well. Public roads, public libraries, public parks and public water systems come to mind. In each case, no person or family has the right to demand that we all help to pay for some private "alternative facility," just because they prefer it.

Indeed, if a person dislikes the public school (or public park) that is available to him, he does not have to use it, but he has no right to demand that everyone else contribute to his purchasing the privilege of using a "private school" (or private park) that he has identified--and may even be the owner of.

Furthermore, in the event that an individual deems a public school (or other public service) to be of unacceptably-low quality, it is his civic duty to roll-up-his-sleeves and help the community as a whole to upgrade that service in accordance with the will of the majority. That's local democracy in action, and that's what our wonderful nation was founded upon.

Finally, by destabilizing our public-schools system, SB 2303 would substantively undermine the solid foundation that this legislative body has already established for meeting the specific challenges outlined yesterday by Superintendent Kirsten Baesler. Thanks to the forward-looking legislation enacted by the past two Legislatures, the State of North Dakota has already made great strides (and investments) to provide an array of innovational, even cutting-edge, educational opportunities—all within our dynamic network of public schools. These exciting initiatives are already in place and should be fully supported and funded in order to provide all the required educational-choice options within the proven "schools within the public schools" model.

Given the urgency of Supt. Baesler's call to action, now is no time to toss out those publicly-funded educational accomplishments in precisely the area she targeted. I urge you to recommend "Do Not Pass" on SB 2303.

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

**Testimony on
February 4, 2025, 2:30 P.M.
Senate Education Committee
Senator Beard, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of SB 2303

Good afternoon, Chairman Beard and Senate Education Committee Members.

My name is Marya Skaare. 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 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

**Testimony on
February 4, 2025, 2:30 P.M.
Senate Education Committee
Senator Beard, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of SB 2303

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 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 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.

**Testimony on
February 4, 2025, 2:30 P.M.
Senate Education Committee
Senator Beard, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of SB 2303

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.

Testimony in Support of Senate Bill 2303

Chairman Beard and members of the Senate Education Committee,

My name is Daniel Martinez. I am a U.S. Air Force Veteran, current Department of the Air Force Civil Servant, husband to a retired U.S. Air Force Veteran with over 24 years of honorable service, and most importantly, a father to eight beautiful children.

I am here to testify in support of Senate Bill 2303 and respectfully request that you render a “DO PASS” on this bill.

My wife and I 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, we 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 my wife and I simultaneously help fund a public school system for which our children will not benefit from, while we also pay for their tuition at the school that is actually educating them. On the matter of parental rights, it is my duty as a parent, to guide and direct the education of my 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 will be built should not come down to whether I need to seek out additional employment and zero out our savings account, which is why a bill such as this is needed.

As I mentioned before, my wife and I are raising eight children. Currently our five school-aged kids are all enrolled in Bishop Ryan Catholic School. Over the last 12 years, three of them have attended six different schools, both public and private. We know without a doubt that they thrive in Catholic schools. Although it has been a heavy financial burden to pay their tuition, we feel it is the best choice for our them. Unfortunately, after this school year is over, that heavy financial burden will become an extreme financial burden. We will be faced with a very difficult decision: Who do we pull out of Bishop Ryan? My kindergartener who comes home excited to tell me that she loves Jesus and can't wait to see him one day? My 2nd grader who can recite his prayers in Latin and tells me about the beauty of First Holy Communion and Reconciliation? Or will it be my 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 their jobs as educators to ensure that he finds his path towards success? 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 northern Minnesota and I am from Southern Arizona. In 25 years the closest we have ever been to either of our families is an 8-hour drive. We have missed countless birthdays, weddings, holidays, and funerals. We always talked about where our forever home would be when she retired from the Air Force – and oh by the way, Minot, ND was never on the list. We dreamt of being close to family, either 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 this is now our home. Bishop Ryan is the reason we stayed. If a school like that can have such an immense impact on the trajectory 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 allowing me to give this testimony.



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Senate Education Committee

Senate Bill 2303 - February 4, 2025

Testimony of Brenda Ruehl, P&A Director of Program Services

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

P&A strongly opposes Senate Bill # 2023 for the following reasons.

The intent of the Education Savings Account bill will weaken North Dakota's education system. Parents already have choice in education through open enrollment, home schooling, non-tuition agreements and private schools including faith-based schools.

This bill allows for an "Education Service Provider" individual or organization to operate an education business that is not required to follow the laws that a public school must follow. It does not meet the minimum requirements for instruction, units of instruction, or minimum units for high school graduation. It also does not require the Administrator to adhere to multiple other requirements in the NDCC including but not limited to, financial accountability; free, open, and accessible at all times to any child; interventions for chronically low performing school districts; and length of a minimum number of hours of education.

Under the Individuals with Disabilities Education Act [Pub. L. 108 - 446; 20 U.S.C. 1412(a)(10)(A)], education savings account program qualifies as a parental placement of the parent's child with a disability, there is no language in the bill protecting a child with a disability, who is entitled to a Free Appropriate Public Education. This bill is absent of the requirements for an IEP, related services, modified curriculums including special education transportation. There is not any language regarding compliance with Section 504 of the Rehabilitation, which also protects students with disabilities. Private schools make the choice of whether to serve students with disabilities or not.

This bill broadens what services can be paid for with the Education Savings Account, which public schools are not allowed to pay for or are free. Such services included in this bill are textbooks and private tutoring. It removes governmental control, authority, and accountability yet it takes educational funding from the public schools to subsidize private schools and education service providers.

P&A strongly opposes this bill as it weakens North Dakota's public education system by taking funds from public schools and giving those dollars to an entity that does not have to follow the rules, regulations, or laws set forth in the NDDC regarding the education of children. If this bill passes, at the very least, private schools and education service providers should be required to follow the same rules, regulations, and requirements that public schools do. This would include the education of students with disabilities as set forth under IDEA (Individuals with Disabilities Education Act), Section 504 of the Rehabilitation Act, and the ADA (Americans with Disabilities Act).

P&A respectfully request as Do Not Pass on this bill as it undermines the education of children in North Dakota

Thank you for your time and consideration.

Brenda Ruehl
Director Program Services
bruehl@nd.gov



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BOARDS ASSOCIATION

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SB 2303
Testimony of Amy De Kok
Senate Education
February 4, 2025

Chairman Beard and members of the Senate Education, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am writing to express our opposition to SB 2303, I am here to express my strong opposition to Senate Bill 2303, which proposes the creation of an Education Savings Account (ESA) voucher program. While the intent of this legislation may be to expand educational choice, it lacks critical accountability measures to ensure public funds are spent appropriately and presents a substantial financial burden to the state of North Dakota.

Lack of Appropriate Accountability Measures

SB 2303 provides for the allocation of public funds to private and home-school students but includes minimal oversight regarding how those funds are actually spent. Although the bill states that ESA funds must be used for "qualified expenses," it does not establish an effective enforcement mechanism to prevent misuse, nor does it provide for strong penalties for those who misappropriate funds.

The proposed auditing requirement—limited to random annual audits—is inadequate to ensure financial integrity. Unlike public schools, which are required to submit detailed budgets, financial reports, and undergo frequent state audits, this bill places trust in ESA recipients to self-report their expenses with little oversight. There is no systematic verification process for all participants, meaning a vast majority of funds could go unchecked.

Moreover, the bill does not specify who will be responsible for investigating improper expenditures beyond referring cases of "substantial misuse" to law enforcement. This vague standard makes it unclear what threshold would trigger an investigation and leaves taxpayers without confidence that their dollars are being properly managed.

Another major issue is the lack of clarity around what constitutes a "qualified" educational expense. The bill lists broad categories, such as "curriculum," "private tutoring," and "computer hardware or software," without defining what is necessary or educationally appropriate. This ambiguity has led to

abuse in other states, where ESA funds have been used for items ranging from concert tickets to expensive luxury goods, rather than legitimate educational expenses.

Examples of Fraud and Misuse in Other ESA Voucher Programs

We have seen how similar ESA voucher programs in other states have led to widespread fraud and abuse due to insufficient oversight. Consider the following examples:

1. Arizona's ESA Voucher Program:

- A 2018 audit of Arizona's ESA program revealed more than \$700,000 in fraudulent purchases made with taxpayer funds. Parents used ESA money to buy non-educational items, including cosmetic surgery, movie tickets, and even athletic apparel. Because there was no requirement for direct payments to approved providers, some parents simply withdrew the funds and spent them however they pleased.
- The Arizona Auditor General also found that ESA funds were being used for unapproved expenses at an alarming rate, with many cases slipping through due to poor oversight. Even when the state identified misuse, it failed to recover the lost funds in many cases.

2. Florida's ESA Voucher Program (Gardiner Scholarship Program):

- Florida's program suffered similar issues when an investigation revealed that parents spent ESA funds on non-educational purchases such as televisions, clothing, and theme park tickets. The state had no mechanism in place to verify whether purchases were truly educational, leading to significant taxpayer losses.
- Some private schools that accepted ESA funds were later found to be failing to provide basic education, with little to no academic accountability standards.

3. Nevada's ESA Voucher Program:

- When Nevada launched an ESA voucher program, hundreds of applicants were found to be ineligible but still attempted to claim funds.
- The state also faced challenges in tracking and approving expenses, leading to potential fraud and significant delays in processing payments, frustrating both families and state officials.

These cases illustrate the dangers of implementing an ESA voucher program without strict safeguards in place. If North Dakota follows the same path without adding stronger accountability provisions, we will likely see similar instances of fraud and waste.

The Substantial Cost to the State

Beyond the accountability concerns, the cost of this program is staggering. Based on the estimates provided in the fiscal note:

- **Non-Public School Students:**
 - Year 1: 7,945 students x \$8,858 = **\$70,376,810**
 - Year 2: 7,986 students x \$8,858 = **\$70,376,988**
 - **Total for Non-Public School Students: \$141,116,798**
- **Home-School Students:**
 - Year 1: 5,537 students x \$8,858 = **\$49,046,746**
 - Year 2: 5,566 students x \$8,858 = **\$49,303,374**
 - **Total for Home-School Students: \$98,350,374**
- **Implementation and Additional Costs:**
 - **Management System: \$3,500,000**
 - **Multi-Level Marketing Package: \$100,000**
 - **Grand Total: \$243,067,172 for the biennium**

This represents an enormous financial burden on the state, diverting public funds away from the public education system, where money is subject to much stronger accountability measures.

SB 2303 lacks the necessary safeguards to ensure fiscal responsibility and would place an unsustainable financial burden on the state. Without proper oversight, public dollars could be misallocated, fraud could become widespread, and taxpayers would have no way of ensuring their money is being used to truly benefit students.

The lessons from other states are clear: ESA voucher programs without robust accountability measures lead to misuse, fraud, and the diversion of public funds to unapproved expenses. North Dakota should not make the same costly mistakes. Instead of implementing a loosely regulated ESA voucher program, efforts should focus on improving our public education system, where taxpayer dollars are already subject to transparent and effective oversight.

For these reasons, I respectfully urge the committee to oppose SB 2303. Thank you for your time and consideration. I welcome any questions.

Toni Mocko, Minot, ND
Re: Senate Bill 2303
Senate Education Committee
February 4th, 2025

Chairman Beard and members of the Education Committee,

Thank you for listening to my testimony in favor of Senate Bill 2303.

All parents, regardless of their financial situation, should have the opportunity to choose where to send their children to school. If they feel a government-funded school is not the right fit for their children, they should be able to benefit in a similar way that government-funded school families do.

Ten years ago, we chose Bishop Ryan Catholic School because we did not like the direction in which we saw government-funded schools heading. A direction which consisted of ideologies that did not align with our family's values and beliefs. For example, we did not like seeing the trend of God being removed from schools. When God and Faith are removed, that is essentially inviting in the opposite of God. This was not negotiable for us. We also liked the opportunity to continue living in our home in Minot and still have our kids in smaller class sizes with K-12 under one roof, without having to sell our home and move to a smaller community.

Ten years later, even though we have paid a substantial amount of money in tuition, we do not have a single regret about that decision. However, it is not right that we do not benefit from government funds allocated for education just because we want our children in a school that aligns with our values and beliefs. We are all tax-paying citizens and should have equal opportunities to benefit from those funds regardless of the school we want our children to be educated in.

My children have been able to cope through their rough times and obstacles they face, by turning to God in prayer. This is reinforced through their education at Bishop Ryan Catholic School. If more families could have this opportunity, I feel it can significantly improve the mental well-being for everyone in our communities.

Thank you for your time and consideration in supporting Senate Bill 2303.



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Mike Wobbema

District 24
11829 31st Street SE
Valley City, ND 58072-9709
mwobbema@ndlegis.gov

COMMITTEES:

Education
Workforce Development (Chair)

4 February 2025

Chairman Beard and members of the Senate Education Committee. For the record, I am Senator Mike Wobbema, District 24.

SB2303 provides for the creation of an Education Savings Account (ESA) to allow parents to have the ability to have a choice in where their children can receive the education that best suits their needs. I believe that parents are in the best position to make that decision, and it is in the best interests of the State of North Dakota to provide them the means to do so.

I have placed the creation of the ESAs in the Bank of North Dakota because I believe that this institution is best suited to handle the myriad transactions that will be necessary in a program like this. An Administrator is provided to assist in the implementation of this program. The Department of Public Instruction will manage the application process and prioritization of participants in this program. Parental participation provides for agreeing to the terms of this program. Further, a list of what these funds can be used for is defined. The remainder of Bill provides for administrative details and the roles and responsibilities of stakeholders in this program.

I recognize that there is a certain aspect of the State's school funding formula that provides for the "fixed costs" of running a public school. During our joint education committee meeting, we were briefed by DPI on their work in support of our public school system. During that briefing, I heard on multiple occasions that the cost of teachers ranges from 70 to 80 percent of the funding provided. To that end, I have provided for 20% of the school funding formula to be provided to the school districts for their "fixed costs". Costs that are expended regardless of the number of students that populate the public school system. The balance, 80 percent, is where amount of the per pupil payment to be provided to the ESA program comes from.

As with the creation of a Bill of this nature, there is always something omitted, mistranslated, or in need of further explanation. Because this Bill is no different, I offer the Amendment 25.0768.02001 to provide further clarification and correction. Further, I will be happy to discuss further adjustments that this committee deems necessary to fill in any gaps discovered, along with refining language that will make it an even better Bill.

Let me wrap up with this. I believe there are others here who are better equipped to answer some of the harder questions that you might be wrestling with. I will do my best to answer them but would defer to their expertise if/when necessary. I have listened to those in opposition state that public dollars should only be used for public schools. This misses a most important fact. The dollars that roll into the public coffers first came from taxpayers' pockets. I would like to make an adjustment to the prevailing mindset. Taxpayers' dollars should be used for taxpayers' students. I believe it is time to recognize that those who have chosen to send their students to private school, home schools, or other options, have saved this state hundreds of millions of dollars by being left out of

the support this state provides to student education. It is time to rethink this dynamic and start including them in the calculation of the return on investment we gain in this great state when they become productive adults participating in what keeps this state great.

That conclude my testimony. I will stand for any questions and further discussion

Respectfully,

Senator Mike Wobbema

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2303

Introduced by

Senators Wobbema, Boehm, Cory, Gerhardt

Representatives Hauck, Koppelman

- 1 A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century
2 Code, relating to an education savings account program.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new chapter to title 15.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Administrator" means an organization registered by the secretary of state to do
9 business in North Dakota and designated by the Bank of North Dakota to
10 implement assist in the implementation of this chapter.
11 2. "Department" means the department of public instruction.
12 3. "Education service provider" means an individual or organization approved to provide
13 qualified education services. The term does not include a participating school.
14 4. "Eligible postsecondary institution" means a community college, an accredited
15 university, or an accredited private postsecondary institution.
16 5. "Eligible student" means:
17 a. An elementary or secondary student who is a resident of this state and is eligible
18 to attend a public school; or

1 **b.** A student who has received a scholarship under the education savings account
2 program until the student graduates high school or reaches twenty-one years of
3 age, regardless of household income.

4 **6.** "Parent" means a resident of this state who is a parent, guardian, custodian, or other
5 person with the authority to act on behalf of the child.

6 **7.** "Participating school" means any ~~private~~nonpublic school providing education to
7 elementary students, secondary students, or both that has notified the administrator of
8 the school's intention to participate in the education savings account program and
9 comply with the education savings account program requirements under this chapter
10 and related administrative rules.

11 **8.** "Private tutoring" means qualified tutoring services approved to receive payment under
12 this chapter.

13 **Account deposits - Parent agreement - Qualified expenses - Enrollment.**

14 **1.** The Bank of North Dakota ~~annually~~ shall deposit into ~~an~~each education savings
15 account eighty percent of the dollar amount under subsection 3 of section
16 15.1-27-04.1 for the respective year.

17 **2.** The department shall give priority access to the education savings account program to
18 the sibling of a student already enrolled in the education savings account program.

19 **3.** A parent of an eligible student qualifies for a state grant to the child's education
20 savings account if the parent signs an agreement ~~with the department~~ promising:

21 **a.** To provide an education for the eligible student in at least the subjects of reading,
22 grammar, mathematics, social studies, and science;

23 **b.** Not to enroll the parent's eligible student in a public school;

24 **c.** To use education savings account program funds solely for qualified expenses
25 under this chapter;

26 **d.** To comply with the requirements outlined in this chapter and any related rules;

27 **e.** If the participating student is a child with a disability, to acknowledge the parent
28 has received information from the department and understands participation in
29 the education savings account program qualifies as a parental placement of the
30 parent's child under the Individuals with Disabilities Education Act [Pub. L.
31 108-446; 20 U.S.C. 1412(a)(10)(A)]; and

- 1 f. To notify the department if the parent's student terminates participation in the
2 education savings account program and enrolls in a public school.
- 3 4. A parent participating in the education savings account program shall use the funds
4 deposited in the eligible student's account for the following qualifying expenses to
5 educate the eligible student:
- 6 a. Tuition and fees at a participating school;
7 b. A textbook required by a participating school;
8 c. Payment for private tutoring or to another educational service provider;
9 d. Payment for purchase of curriculum;
10 e. Tuition or fees for a nonpublic online learning program;
11 f. Fees for national norm-referenced examinations, advanced placement
12 examinations or similar courses, and any examinations related to college or
13 university admission;
- 14 g. Computer hardware, software, or other technological device that is used solely
15 for a student's educational needs and approved by the department or a licensed
16 physician, provided hardware purchased with education savings account funds
17 may not be resold within one year of purchase;
- 18 h. Reasonable fees for transportation paid to a fee-for-service transportation
19 provider for the student to travel to and from an education service provider;
- 20 i. Tuition and fees at an eligible postsecondary institution; ~~or~~
21 j. A textbook required for college or university courses; ~~and~~
22 k. Upon graduation, a transfer to a North Dakota education savings plan under
23 section 6-09-38.
- 24 5. A participating school, private tutor, eligible postsecondary institution, or other
25 education service provider may not refund, rebate, or share a student's grant with a
26 parent or the student in any manner.
- 27 6. A parent may make a payment for the cost of educational programs and services not
28 covered by the funds in the child's account.
- 29 7. A participating student must ~~be counted in the enrollment figures for~~ inform the
30 department of the student's school district of residence for the purposes of calculating
31 state aid ~~to~~ for the school district of residence. ~~The funds needed for a grant to an~~

1 ~~education savings account must be subtracted from the state school aid payable to the~~
2 ~~student's school district of residence and forwarded to the Bank of North Dakota for~~
3 ~~deposit in the education savings account. Twenty~~ The department shall forward twenty
4 percent of the dollar amount under subsection 3 of section 15.1-27-04.1 for the
5 respective year ~~per grant must be paid to the school district of residence for each~~
6 participating student residing in that school district in addition to any other state aid
7 paid to the school district.

8 8. The state treasurer annually shall transfer the funds required for education savings
9 accounts from the general fund to the Bank of North Dakota for deposit quarterly in
10 each education savings account.

11 9. Funds, not to exceed twenty-five percent of the amount under subsection 1, not
12 expended over the course of a school year may be carried forward for use in the
13 following school year for a child who remains in the education savings account
14 program. If a parent removes a child from the education savings account program
15 before the end of the school year, any remaining funds from that school year must be
16 returned to the state and be allocated to fund other accounts. A student may transfer
17 to another nonpublic school or home school and retain the funds in the education
18 savings account.

19 9-10. Funds deposited in an education savings account do not constitute taxable income to
20 the parent or the education savings account student.

21 **Bank of North Dakota - Administrator - Administration.**

- 22 1. The Bank of North Dakota shall:
- 23 a. Qualify private financial management firms to manage and administer education
24 savings accounts.
- 25 b. Conduct or contract for the auditing of accounts and, at a minimum, conduct
26 random audits of accounts on an annual basis. The Bank of North Dakota may
27 make a parent of an eligible student ineligible for the education savings account
28 program if the parent substantially misuses the funds in the account.
- 29 c. Refer cases of substantial misuse of funds to law enforcement for investigation if
30 evidence of fraudulent use of an account is obtained.

- 1 d. Make payments to eligible students' education savings accounts on a quarterly
- 2 basis.
- 3 e. Adopt rules and procedures as necessary for the administration of the education
- 4 savings account program.
- 5 2. The administrator shall provide to the parent of a participating student a written
- 6 explanation of the allowable uses of education saving accounts, the responsibilities of
- 7 the parent, and the duties of the administrator.

8 **Participating schools - Accountability standards.**

- 9 1. To ensure students are treated fairly and kept safe, each participating ~~private~~nonpublic
- 10 school shall:
- 11 a. Comply with all health and safety laws or codes that apply to ~~private~~nonpublic
- 12 schools:
- 13 b. Obtain certification of approval under section 15.1-06-06.1;
- 14 c. Hold a valid occupancy permit if required by the school's municipality;
- 15 ~~e.d.~~ Certify the school complies with the nondiscrimination policies under [42 U.S.C.
- 16 1981]; ~~and~~
- 17 ~~d. Conduct criminal background checks on employees. The participating school~~
- 18 ~~shall exclude from employment any individual who:~~
- 19 ~~(1) Is not permitted by state law to work in a private school; and~~
- 20 ~~(2) Might reasonably pose a threat to the safety of students.~~
- 21 2. To ensure funds are spent appropriately, a participating school shall:
- 22 a. Provide a parent with a receipt for all qualifying expenses at the school.
- 23 b. Demonstrate the school's financial viability, if the school is to receive fifty
- 24 thousand dollars or more during the school year, by filing with the administrator
- 25 before the start of the school year:
- 26 (1) A surety bond payable to the state in an amount equal to the aggregate
- 27 amount of the funds from education savings accounts expected to be paid
- 28 during the school year from students admitted at the participating school; or
- 29 (2) Financial information demonstrating the school has the ability to pay an
- 30 aggregate amount equal to the amount of the funds from education savings

1 accounts expected to be paid during the school year to students admitted to
2 the participating school.

3 3. To allow parents and taxpayers to measure the achievements of the education savings
4 account program:

5 a. Parents shall ensure:

6 (1) The eligible student annually takes the state achievement tests, nationally
7 norm-referenced tests, or equivalent tests that measure learning gains in
8 mathematics and language arts, and provide for value-added assessment. If
9 a parent selects the state achievement test, the department shall pay
10 associated costs and materials;

11 (2) The results of the tests are provided to the department or an organization
12 chosen by the state on an annual basis;

13 (3) The student information is reported in a way that allows the department to
14 aggregate data by grade level, gender, family income level, and race; and

15 (4) The department, or an organization chosen by the department, is informed
16 of the eligible student's graduation from high school.

17 b. The department, or an organization chosen by the department, shall:

18 (1) Ensure compliance with all student privacy laws;

19 (2) Collect all test results;

20 (3) Provide the test results, associated learning gains, and graduation rates to
21 the public on the department's website after the third year of test and
22 graduation-related data collection. The findings must be aggregated by the
23 student's grade level, gender, family income level, number of years of
24 participation in the education savings account program, and race;

25 (4) Provide rates for high school graduation, college attendance, and college
26 graduation for participating students to the public on the department's
27 website after the third year of test and test-related data collection; and

28 (5) Administer an annual parental satisfaction survey requesting each parent of
29 a student receiving an education savings account program grant indicate
30 the number of years the child has participated in the education savings
31 account program and express the parent's;

- 1 (a) Satisfaction with the education savings account program; and
- 2 (b) Opinions on other topics, items, or issues that may indicate the
- 3 effectiveness of the education savings account program.

4 4. A participating ~~private~~nonpublic school or other education service provider is
5 autonomous and not an agent of the state or federal government and:

- 6 a. The department may not regulate the educational program of a participating
7 ~~private~~nonpublic school or education service provider that accepts funds from an
8 education savings account, except as ~~otherwise provided by law~~under this
9 chapter and chapter 15.1-23;
- 10 b. The creation of the education savings account program does not expand the
11 regulatory authority of the state, its officers, or a school district to impose an
12 additional regulation of ~~private~~nonpublic schools or education service providers
13 beyond the regulations necessary to enforce the requirements of the education
14 savings account program; and
- 15 c. Participating ~~private~~nonpublic schools and education service providers must have
16 the freedom to provide for the educational needs of the school's students without
17 governmental control.

18 **Department of public instruction - Administrator - Duties.**

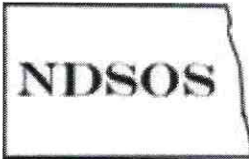
- 19 1. The administrator shall:
- 20 a. Ensure eligible students and parents are informed annually of the schools that
21 will be participating in the education savings account program.
- 22 b. Create a standard form a parent of an eligible student may submit to establish a
23 student's eligibility for the education savings account program. The administrator
24 shall ensure the application is readily available to interested families through
25 various sources, including the department's website.
- 26 c. Accept applications on a year-round basis and shall approve applications in a
27 reasonable time frame.
- 28 d. Execute a multimedia marketing program targeting eligible families, especially
29 those below the state's median household income, informing the families about
30 the education savings account program and how to apply.

- 1 e. Establish a web and phone-based support system providing parents with
2 education savings account program application support and ongoing account
3 maintenance support.
- 4 2. The department may bar a participating school or education service provider from the
5 education savings account program if the department determines the participating
6 school or education provider has:
 - 7 a. Routinely failed to comply with the accountability standards established under
8 this chapter; or
 - 9 b. Failed to provide the eligible student with the educational services funded by the
10 education savings account.
- 11 3. If the department bars a participating school or education provider from the education
12 savings account program, the department shall notify eligible students and parents of
13 the decision as quickly as possible. A parent may appeal a decision of the department
14 under chapter 28-32.
- 15 4. The department shall adopt rules and procedures as necessary for the administration
16 of the education savings account program.

17 **School districts of residence - Duties.**

18 The school district of residence:

- 19 1. Shall provide a participating school or education provider that has admitted an eligible
20 student under this chapter with a complete copy of the student's school records, while
21 complying with the Family Educational Rights and Privacy Act of 1974 [20 U.S.C.
22 Section 1232(g)].
- 23 2. May provide transportation for an eligible student to and from the participating school
24 or education provider under the same conditions as the school district of residence is
25 required to provide transportation for other resident students to ~~private~~nonpublic
26 schools. The school district of residence qualifies for state transportation aid for each
27 student transported.



North Dakota Small Organized Schools

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1

2 Testimony in Opposition to SB 2303

3 Chairman Beard and members of the Senate 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 SB 2303, which seeks to establish an
6 Educational Savings Account (ESA) program for K-12 students attending private schools. While the bill is
7 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 SB 2303 is the lack of private school options in rural areas of North
10 Dakota. The vast majority of students (116,598) in our state attend public schools by choice and those in
11 rural areas do not have a choice. The students (7904) that attend private schools are also there by
12 choice. Allocating taxpayer dollars to an ESA program will primarily benefit urban families who have
13 already made the choice to attend private schools, while leaving rural students with no comparable
14 choices. Four metro areas representing six communities, Bismarck/Mandan, Fargo/West Fargo, Minot
15 and Dickinson make up the vast majority of private school enrollment. This creates a disparity that
16 unfairly favors one segment of the population over another. There are currently fewer than twenty
17 communities in North Dakota with a private school option and less than half of those offer a high school
18 option.

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

26 Another concerning provision of SB 2303 is that the ESA funds can be used for post-secondary education
27 expenses. This benefit is not extended to public school students, creating an inequitable system where
28 families who choose private schools receive additional financial advantages that are denied to families
29 relying on public education. Public funds should be used to strengthen our public school system and

Board of Directors

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Mr. Brandt Dick, Supt. Burleigh County

Region 6

Mr. Mitch Carlson, Supt. LaMoure
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 ensure all students—regardless of their educational setting—have access to high-quality learning
31 opportunities.

32 Rather than diverting funds away from public education, we should focus on investing in our public
33 schools, which serve the vast majority of North Dakota’s children. SB 2303 threatens to undermine our
34 public education system by redirecting scarce resources to unregulated institutions, disproportionately
35 benefiting urban and affluent families while leaving rural and lower-income students behind.

36 The ESA that would be established by SB 2303 does little to serve the students in rural areas, directs
37 funding to private schools without the same regulations of public schools and diverts critical funding
38 away from public schools. I respectfully urge you to oppose SB 2303 and prioritize policies that
39 strengthen our public schools for the benefit of all North Dakota students.

40
41 Mr. Michael Heilman – Executive Director
42 North Dakota Small Organized Schools
43 mheilmanndsos@gmail.com
44 701.527.4621
45

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2303
2/10/2025

Relating to an education savings account program.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

10:08 a.m. Chairman Beard called the hearing to order.

Discussion Topics:

- Current programs
- Public and nonpublic schools
- Participation rate

10:08 a.m. Senator Wobbema provided proposed amendment for committee discussion testimony #36774.

11:05 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

25.0768.02001
Title.

Prepared by the Legislative Council
staff for Senator Wobbema
January 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2303

Introduced by

Senators Wobbema, Boehm, Cory, Gerhardt

Representatives Hauck, Koppelman

- 1 A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century
2 Code, relating to an education savings account program.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** A new chapter to title 15.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Administrator" means an organization registered by the secretary of state to do
9 business in North Dakota and designated by the Bank of North Dakota to
10 implement assist in the implementation of this chapter.
11 2. "Department" means the department of public instruction.
12 3. "Education service provider" means an individual or organization approved to provide
13 qualified education services. The term does not include a participating school.
14 4. "Eligible postsecondary institution" means a community college, an accredited
15 university, or an accredited private postsecondary institution.
16 5. "Eligible student" means:
17 a. An elementary or secondary student who is a resident of this state and is eligible
18 to attend a public school; or

1 b. A student who has received a scholarship under the education savings account
2 program until the student graduates high school or reaches twenty-one years of
3 age, regardless of household income.

4 6. "Parent" means a resident of this state who is a parent, guardian, custodian, or other
5 person with the authority to act on behalf of the child.

6 7. "Participating school" means any ~~private~~nonpublic school providing education to
7 elementary students, secondary students, or both that has notified the administrator of
8 the school's intention to participate in the education savings account program and
9 comply with the education savings account program requirements under this chapter
10 and related administrative rules.

11 8. "Private tutoring" means qualified tutoring services approved to receive payment under
12 this chapter.

13 **Account deposits - Parent agreement - Qualified expenses - Enrollment.**

14 1. The Bank of North Dakota ~~annually~~ shall deposit into ~~an~~each education savings
15 account eighty percent of the dollar amount under subsection 3 of section
16 15.1-27-04.1 for the respective year.

17 2. The department shall give priority access to the education savings account program to
18 the sibling of a student already enrolled in the education savings account program.

19 3. A parent of an eligible student qualifies for a state grant to the child's education
20 savings account if the parent signs an agreement ~~with the department~~ promising:

21 a. To provide an education for the eligible student in at least the subjects of reading,
22 grammar, mathematics, social studies, and science;

23 b. Not to enroll the parent's eligible student in a public school;

24 c. To use education savings account program funds solely for qualified expenses
25 under this chapter;

26 d. To comply with the requirements outlined in this chapter and any related rules;

27 e. If the participating student is a child with a disability, to acknowledge the parent
28 has received information from the department and understands participation in
29 the education savings account program qualifies as a parental placement of the
30 parent's child under the Individuals with Disabilities Education Act [Pub. L.
31 108-446; 20 U.S.C. 1412(a)(10)(A)]; and

- 1 f. To notify the department if the parent's student terminates participation in the
2 education savings account program and enrolls in a public school.
- 3 4. A parent participating in the education savings account program shall use the funds
4 deposited in the eligible student's account for the following qualifying expenses to
5 educate the eligible student:
- 6 a. Tuition and fees at a participating school;
7 b. A textbook required by a participating school;
8 c. Payment for private tutoring or to another educational service provider;
9 d. Payment for purchase of curriculum;
10 e. Tuition or fees for a nonpublic online learning program;
11 f. Fees for national norm-referenced examinations, advanced placement
12 examinations or similar courses, and any examinations related to college or
13 university admission;
- 14 g. Computer hardware, software, or other technological device that is used solely
15 for a student's educational needs and approved by the department or a licensed
16 physician, provided hardware purchased with education savings account funds
17 may not be resold within one year of purchase;
- 18 h. Reasonable fees for transportation paid to a fee-for-service transportation
19 provider for the student to travel to and from an education service provider;
- 20 i. Tuition and fees at an eligible postsecondary institution; ~~or~~
21 j. A textbook required for college or university courses; ~~and~~
22 k. Upon graduation, a transfer to a North Dakota education savings plan under
23 section 6-09-38.
- 24 5. A participating school, private tutor, eligible postsecondary institution, or other
25 education service provider may not refund, rebate, or share a student's grant with a
26 parent or the student in any manner.
- 27 6. A parent may make a payment for the cost of educational programs and services not
28 covered by the funds in the child's account.
- 29 7. A participating student must ~~be counted in the enrollment figures for~~ inform the
30 department of the student's school district of residence for the purposes of calculating
31 state aid ~~to~~ for the school district of residence. ~~The funds needed for a grant to an~~

1 ~~education savings account must be subtracted from the state school aid payable to the~~
2 ~~student's school district of residence and forwarded to the Bank of North Dakota for~~
3 ~~deposit in the education savings account. Twenty~~ The department shall forward twenty
4 percent of the dollar amount under subsection 3 of section 15.1-27-04.1 for the
5 respective year per grant must be paid to the school district of residence for each
6 participating student residing in that school district in addition to any other state aid
7 paid to the school district.

8 8. The state treasurer annually shall transfer the funds required for education savings
9 accounts from the general fund to the Bank of North Dakota for deposit quarterly in
10 each education savings account.

11 9. Funds, not to exceed twenty-five percent of the amount under subsection 1, not
12 expended over the course of a school year may be carried forward for use in the
13 following school year for a child who remains in the education savings account
14 program. If a parent removes a child from the education savings account program
15 before the end of the school year, any remaining funds from that school year must be
16 returned to the state and be allocated to fund other accounts. A student may transfer
17 to another nonpublic school or home school and retain the funds in the education
18 savings account.

19 9-10. Funds deposited in an education savings account do not constitute taxable income to
20 the parent or the education savings account student.

21 **Bank of North Dakota - Administrator - Administration.**

22 1. The Bank of North Dakota shall:

- 23 a. Qualify private financial management firms to manage and administer education
24 savings accounts.
25 b. Conduct or contract for the auditing of accounts and, at a minimum, conduct
26 random audits of accounts on an annual basis. The Bank of North Dakota may
27 make a parent of an eligible student ineligible for the education savings account
28 program if the parent substantially misuses the funds in the account.
29 c. Refer cases of substantial misuse of funds to law enforcement for investigation if
30 evidence of fraudulent use of an account is obtained.

- d. Make payments to eligible students' education savings accounts on a quarterly basis.
 - e. Adopt rules and procedures as necessary for the administration of the education savings account program.
2. The administrator shall provide to the parent of a participating student a written explanation of the allowable uses of education saving accounts, the responsibilities of the parent, and the duties of the administrator.

Participating schools - Accountability standards.

1. To ensure students are treated fairly and kept safe, each participating ~~private~~nonpublic school shall:
 - a. Comply with all health and safety laws or codes that apply to ~~private~~nonpublic schools;
 - b. Obtain certification of approval under section 15.1-06-06.1;
 - c. Hold a valid occupancy permit if required by the school's municipality;
 - ~~e.d.~~ Certify the school complies with the nondiscrimination policies under [42 U.S.C. 1981]; ~~and~~
 - ~~d.~~ ~~Conduct criminal background checks on employees. The participating school shall exclude from employment any individual who:~~
 - ~~(1) Is not permitted by state law to work in a private school; and~~
 - ~~(2) Might reasonably pose a threat to the safety of students.~~
2. To ensure funds are spent appropriately, a participating school shall:
 - a. Provide a parent with a receipt for all qualifying expenses at the school.
 - b. Demonstrate the school's financial viability, if the school is to receive fifty thousand dollars or more during the school year, by filing with the administrator before the start of the school year:
 - (1) A surety bond payable to the state in an amount equal to the aggregate amount of the funds from education savings accounts expected to be paid during the school year from students admitted at the participating school; or
 - (2) Financial information demonstrating the school has the ability to pay an aggregate amount equal to the amount of the funds from education savings

- 1 accounts expected to be paid during the school year to students admitted to
2 the participating school.
- 3 3. To allow parents and taxpayers to measure the achievements of the education savings
4 account program:
- 5 a. Parents shall ensure:
- 6 (1) The eligible student annually takes the state achievement tests, nationally
7 norm-referenced tests, or equivalent tests that measure learning gains in
8 mathematics and language arts, and provide for value-added assessment. If
9 a parent selects the state achievement test, the department shall pay
10 associated costs and materials;
- 11 (2) The results of the tests are provided to the department or an organization
12 chosen by the state on an annual basis;
- 13 (3) The student information is reported in a way that allows the department to
14 aggregate data by grade level, gender, family income level, and race; and
- 15 (4) The department, or an organization chosen by the department, is informed
16 of the eligible student's graduation from high school.
- 17 b. The department, or an organization chosen by the department, shall:
- 18 (1) Ensure compliance with all student privacy laws;
- 19 (2) Collect all test results;
- 20 (3) Provide the test results, associated learning gains, and graduation rates to
21 the public on the department's website after the third year of test and
22 graduation-related data collection. The findings must be aggregated by the
23 student's grade level, gender, family income level, number of years of
24 participation in the education savings account program, and race;
- 25 (4) Provide rates for high school graduation, college attendance, and college
26 graduation for participating students to the public on the department's
27 website after the third year of test and test-related data collection; and
- 28 (5) Administer an annual parental satisfaction survey requesting each parent of
29 a student receiving an education savings account program grant indicate
30 the number of years the child has participated in the education savings
31 account program and express the parent's;

- 1 (a) Satisfaction with the education savings account program; and
- 2 (b) Opinions on other topics, items, or issues that may indicate the
- 3 effectiveness of the education savings account program.
- 4 4. A participating ~~private~~nonpublic school or other education service provider is
- 5 autonomous and not an agent of the state or federal government and:
- 6 a. The department may not regulate the educational program of a participating
- 7 ~~private~~nonpublic school or education service provider that accepts funds from an
- 8 education savings account, except as ~~otherwise~~ provided by law under this
- 9 chapter and chapter 15.1-23;
- 10 b. The creation of the education savings account program does not expand the
- 11 regulatory authority of the state, its officers, or a school district to impose an
- 12 additional regulation of ~~private~~nonpublic schools or education service providers
- 13 beyond the regulations necessary to enforce the requirements of the education
- 14 savings account program; and
- 15 c. Participating ~~private~~nonpublic schools and education service providers must have
- 16 the freedom to provide for the educational needs of the school's students without
- 17 governmental control.

18 **Department of public instruction - Administrator - Duties.**

- 19 1. The administrator shall:
- 20 a. Ensure eligible students and parents are informed annually of the schools that
- 21 will be participating in the education savings account program.
- 22 b. Create a standard form a parent of an eligible student may submit to establish a
- 23 student's eligibility for the education savings account program. The administrator
- 24 shall ensure the application is readily available to interested families through
- 25 various sources, including the department's website.
- 26 c. Accept applications on a year-round basis and shall approve applications in a
- 27 reasonable time frame.
- 28 d. Execute a multimedia marketing program targeting eligible families, especially
- 29 those below the state's median household income, informing the families about
- 30 the education savings account program and how to apply.

- 1 e. Establish a web and phone-based support system providing parents with
2 education savings account program application support and ongoing account
3 maintenance support.
- 4 2. The department may bar a participating school or education service provider from the
5 education savings account program if the department determines the participating
6 school or education provider has:
 - 7 a. Routinely failed to comply with the accountability standards established under
8 this chapter; or
 - 9 b. Failed to provide the eligible student with the educational services funded by the
10 education savings account.
- 11 3. If the department bars a participating school or education provider from the education
12 savings account program, the department shall notify eligible students and parents of
13 the decision as quickly as possible. A parent may appeal a decision of the department
14 under chapter 28-32.
- 15 4. The department shall adopt rules and procedures as necessary for the administration
16 of the education savings account program.

17 **School districts of residence - Duties.**

18 The school district of residence:

- 19 1. Shall provide a participating school or education provider that has admitted an eligible
20 student under this chapter with a complete copy of the student's school records, while
21 complying with the Family Educational Rights and Privacy Act of 1974 [20 U.S.C.
22 Section 1232(g)].
- 23 2. May provide transportation for an eligible student to and from the participating school
24 or education provider under the same conditions as the school district of residence is
25 required to provide transportation for other resident students to ~~private~~nonpublic
26 schools. The school district of residence qualifies for state transportation aid for each
27 student transported.

Additional Costs incorporated into the Bill

These calculations are based upon a 100% participation rate. STATISTICALLY, NOT A VALID ASSUMPTION.

These calculations are based upon a 100% participation rate. STATISTICALLY, NOT A VALID ASSUMPTION.

	<u>Student</u>	<u>Per Pupil</u>	<u>ESA</u>	<u>School District</u>		
<u>Cost factors per NDDPI</u>	<u>Numbers</u>	<u>Payment</u>	<u>Authorized</u>	<u>(80%)</u>	<u>Apportionment</u>	<u>Total Costs</u>
					<u>(20%)</u>	
Mgmt System Development						\$3,500,000
Marketing Package						\$100,000
Non-Public School Students -- Yr 1	7945	\$11,072	\$8,858	\$70,373,632	\$14,074,726	
Non-Public School Students -- Yr 2	7986	\$11,072	\$8,858	\$70,736,794	\$14,147,359	
				\$141,110,426	\$28,222,085	\$169,332,511
Home School Sutents -- Yr 1	5537	\$11,072	\$8,858	\$49,044,531	\$9,808,906	
Home School Sutents -- Yr 2	5566	\$11,072	\$8,858	\$49,301,402	\$9,860,280	
				\$98,345,933	\$19,669,187	\$118,015,119
Total Program Cost						\$290,947,630

	<u>Student</u> <u>Numbers</u>	Take Up or Participation <u>Rate (45%)</u>	<u>Per Pupil</u> <u>Payment</u>	<u>ESA</u> <u>Authorized(80%)</u>	School District Apportionment <u>(20%)</u>	Total Costs
Mgmt System Development						\$3,500,000
Marketing Package						\$100,000
Non-Public School Students -- Yr 1	7945	3575	\$11,072	\$8,858	\$25,334,508	\$14,074,726
Non-Public School Students -- Yr 2	7986	3594	\$11,072	\$8,858	\$25,465,246	\$14,147,359
					<u>\$50,799,753</u>	<u>\$28,222,085</u>
						\$79,021,838
Home School Sutents -- Yr 1	5537	2492	\$11,072	\$8,858	\$17,656,031	\$9,808,906
Home School Sutents -- Yr 2	5566	2505	\$11,072	\$8,858	\$17,748,505	\$9,860,280
					<u>\$35,404,536</u>	<u>\$19,669,187</u>
						\$55,073,722
Total Program Cost						<u>\$137,695,561</u>

Year Established or Expanded	State	Program	Type of Program	Number of Students	Amount of ESA or Scholarship	Testing Requirements	Transparency to Parents or the Public	Accountability for Student Outcomes
2026	WV	Hope Scholarship Program	ESA	5,791	\$4,299	Students must take nationally-normed assessment	Schools to submit annual test results to state DOE	Students must improve on annual testing or score above the 25th percentile to remain in the program
2025	AL	Creating Hope and Opportunity for our Students' Education (CHOOSE)	ESA	15,000	\$7,000	Students must take nationally-normed or statewide assessment	Schools to submit annual test results to state	
2025	GA	Georgia Promise Scholarship	ESA	22,000	\$6,500	Students must take nationally-normed or statewide assessment	Schools to submit raw testing data to state DOE	
2025	LA	Louisiana Giving All True Opportunity to Rise (LA GATOR) Program	ESA	5,541	\$5,243 TO \$15,253	Students must take nationally-normed assessment	State DOE to collect and aggregate test results and provide to the public	Schools that fail to meet eligibility criteria will be restricted in receiving ESAs

2025	WY	Wyoming Education Savings Accounts	ESA	2,795	\$6,000	Students must take nationally-normed or statewide assessment	State to compile and report student progress annually	
2024	NC	Opportunity Scholarships	Voucher	32,500	\$5,266	Students must take nationally-normed assessment	School to submit annual test results to state	
2024	SC	South Carolina Education Scholarship Trust Fund Program	ESA	5,000	\$6,000	Only high school students must take nationally-normed assessment	State DOE to collect all test results and report to Education Oversight Committee	
2024	UT	Utah Fits All Scholarship	ESA	10,000	\$8,000	Students must take a nationally-normed assessment or submit a portfolio describing educational achievements		
2023	FL	Tax Credit Scholarship Program	Tax-credit Scholarship	125,657	\$7,815	Students must take nationally-normed or statewide assessment	Schools must report annual test results to state DOE	

2023	PA	Educational Improvement Tax Credit	Tax-credit Scholarship	54,241	\$2,583	Students must take statewide assessment		
2023	OH	Educational Choice Scholarship Program	Voucher	41,211	\$6,036	Students must take statewide assessment	State DOE publicly reports all students' performance for parents to review at this site	
2023	IN	Choice Scholarship Program	Voucher	70,095	\$6,264	Students must take statewide assessment	Schools must report annual test results to the state	
2023	FL	Family Empowerment Scholarship Educational Opportunity	ESA	136,087	\$7,846	Students must take nationally-normed or statewide assessment	Schools to submit test results to parents and an independent research organization selected by state DOE	
2023	AR	The Arkansas Children's Educational Freedom Account Program	ESA	14,000	\$6,672	Students must take nationally-normed assessment	Schools to submit annual test results to the state	
2023	IA	Education Savings Account Program	ESA		\$7,413	Students must take nationally-normed and statewide assessment	State DOE to collect and publish test results in annual report	

2022	AZ	Empowerment Scholarship Accounts	ESA	83,032	\$9,782	No Mandatory Testing Requirements		
2012	AZ	"Switcher" Individual Income Tax Credit Scholarship	Tax-credit Scholarship	21,241	\$1,710	No Mandatory Testing Requirements		
2011	WI	Milwaukee Parental Choice Program	Voucher	29,732	\$10,237	Students msut take statewide assessment	State publicly reports all students' performance for parents to review at this site	
2006	AZ	Low-Income Corporate Income Tax Credit Scholarship	Tax-credit Scholarship	29,582	\$3,834	No Mandatory Testing Requirements		
1997	AZ	Original Individual Income Tax Credit Scholarship	Tax-credit Scholarship	23,826	\$2,093	No Mandatory Testing Requirements		
1995	OH	Cleveland Scholarship Program	Voucher	7,802	\$6,092	Students msut take statewide assessment	State DOE publicly reports all students' performances for parents to review at this site	

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

SB 2303
2/10/2025

Relating to an education savings account program.

3:37 p.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

Discussion Topics:

- Programs already in place
- Public and nonpublic schools
- Participation rate

3:37 p.m. Senator Wobbema moved amendment LC #25.0768.02002.

3:37 p.m. Senator Gerhardt seconded the motion.

Senators	Vote
Senator Todd Beard	Y
Senator Randy D. Lemm	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y
Senator Mike Wobbema	Y

Motion Passed 6-0-0

3:43 p.m. Senator Wobbema moved a Do Pass as amended and rereferred to Senate Appropriations.

3:44 p.m. Senator Gerhardt seconded the motion.

Senators	Vote
Senator Todd Beard	N
Senator Randy D. Lemm	N
Senator Michelle Axtman	N
Senator Josh Boschee	N
Senator Justin Gerhardt	Y
Senator Mike Wobbema	Y

Motion Failed 2-4-0

3:45 p.m. Senator Boschee moved a Do Not Pass as amended.

3:45 p.m. Senator Wobbema seconded the motion.

Senators	Vote
Senator Todd Beard	Y
Senator Randy D. Lemm	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Justin Gerhardt	N
Senator Mike Wobbema	N

Motion Passed 4-2-0

Senator Boschee will carry the bill.

3:47 p.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2303

Introduced by

Senators Wobbema, Boehm, Cory, Gerhardt

Representatives Hauck, Koppelman

2-12-25
JG 1089

- 1 A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century
2 Code, relating to an education savings account program.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new chapter to title 15.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Administrator" means an organization registered by the secretary of state to do
9 business in North Dakota and designated by the Bank of North Dakota to
10 implement assist in the implementation of this chapter.
11 2. "Department" means the department of public instruction.
12 3. "Education service provider" means an individual or organization approved to provide
13 qualified education services. The term does not include a participating school.
14 4. "Eligible postsecondary institution" means a community college, an accredited
15 university, or an accredited private postsecondary institution.
16 5. "Eligible student" means:
17 a. An elementary or secondary student who is a resident of this state and is eligible
18 to attend a public school; or

Feb 2009

- 1 b. A student who has received a scholarship under the education savings account
2 program until the student graduates high school or reaches twenty-one years of
3 age, ~~regardless of household income.~~
- 4 6. "Parent" means a resident of this state who is a parent, guardian, custodian, or other
5 person with the authority to act on behalf of the child.
- 6 7. "Participating school" means any ~~private~~nonpublic school providing education to
7 elementary students, secondary students, or both that has notified the administrator of
8 the school's intention to participate in the education savings account program and
9 comply with the education savings account program requirements under this chapter
10 and related administrative rules.
- 11 8. "Private tutoring" means qualified tutoring services approved to receive payment under
12 this chapter.

13 **Account deposits - Parent agreement - Qualified expenses - Enrollment.**

- 14 1. The Bank of North Dakota ~~by July fifteenth of each year~~ shall deposit into ~~an~~each
15 education savings account ~~eighty~~sixty percent of the dollar amount under subsection 3
16 of section 15.1-27-04.1 for the respective year.
- 17 2. The department shall give priority access to the education savings account program to
18 the sibling of a student already enrolled in the education savings account program.
- 19 3. A parent of an eligible student qualifies for a state grant to the child's education
20 savings account if the parent signs an agreement ~~with the department~~ promising:
- 21 a. To provide an education for the eligible student in at least the subjects of reading,
22 grammar, mathematics, social studies, and science;
- 23 b. Not to enroll the parent's eligible student in a public school;
- 24 c. To use education savings account program funds solely for qualified expenses
25 under this chapter, ~~as identified in subsection 4;~~
- 26 d. To comply with the requirements outlined in this chapter and any related rules;
- 27 e. If the participating student is a child with a disability, to acknowledge the parent
28 has received information from the department and understands participation in
29 the education savings account program qualifies as a parental placement of the
30 parent's child under the Individuals with Disabilities Education Act [Pub. L.
31 108-446; 20 U.S.C. 1412(a)(10)(A)]; and

AB 3019

- 1 f. To notify the department if the parent's student terminates participation in the
2 education savings account program and enrolls in a public school.
- 3 4. A parent participating in the education savings account program shall use the funds
4 deposited in the eligible student's account for the following qualifying expenses to
5 educate the eligible student:
- 6 a. Tuition and fees at a participating school;
7 b. ~~A textbook~~ Textbooks and supplies as required by a participating school;
8 c. Payment for private tutoring or to another educational service provider;
9 d. Payment for educational therapy or services, including occupational therapy,
10 behavioral therapy, physical therapy, speech-language therapy, and audiology
11 therapy from a licensed or certified practitioner or provider, including a licensed or
12 certified paraprofessional or educational aid;
- 13 e. Payment for purchase of curriculum;
- 14 ~~e.f.~~ Tuition or fees for a nonpublic online learning program;
- 15 ~~f.g.~~ Fees for national norm-referenced examinations, advanced placement
16 examinations or similar courses, and any examinations related to college or
17 university admission;
- 18 ~~g.h.~~ Computer hardware, software, or other technological device that is used solely
19 for a student's educational needs and approved by the department or a licensed
20 physician, provided hardware purchased with education savings account funds
21 may not be resold within one year of purchase;
- 22 ~~h.i.~~ Reasonable fees for transportation paid to a fee-for-service transportation
23 provider for the student to travel to and from an education service provider;
- 24 ~~i.j.~~ Tuition and fees at an eligible postsecondary institution; ~~or~~
- 25 ~~j.k.~~ A textbook required for college or university courses; and
- 26 l. Upon graduation, a transfer to a North Dakota education savings plan under
27 section 6-09-38.
- 28 5. The administrator may adjust the qualified expenses identified in subsection 4, if
29 necessary.

JB 4089

- 1 6. A participating school, private tutor, eligible postsecondary institution, or other
2 education service provider may not refund, rebate, or share a student's grant with a
3 parent or the student in any manner.
- 4 6-7. A parent may make a payment for the cost of educational programs and services not
5 covered by the funds in the child's account.
- 6 7-8. A participating student must ~~be counted in the enrollment figures for~~ inform the
7 department of the student's school district of residence for the purposes of calculating
8 state aid ~~to~~ for the school district of residence. ~~The funds needed for a grant to an~~
9 ~~education savings account must be subtracted from the state school aid payable to the~~
10 ~~student's school district of residence and forwarded to the Bank of North Dakota for~~
11 ~~deposit in the education savings account. Twenty~~ The department shall forward
12 ~~twenty~~ ten percent of the dollar amount under subsection 3 of section 15.1-27-04.1 for
13 the respective year ~~per grant must be paid~~ to the school district of residence for each
14 participating student residing in that school district in addition to any other state aid
15 paid to the school district.
- 16 8-9. The state treasurer by July fifteenth of each year shall transfer the funds required for
17 education savings accounts from the general fund to the Bank of North Dakota for
18 deposit in each education savings account.
- 19 10. Funds, not to exceed twenty-five percent of the amount under subsection 1, not
20 expended over the course of a school year may be carried forward for use in the
21 following school year for a child who remains in the education savings account
22 program. If a parent removes a child from the education savings account program
23 before the end of the school year, any remaining funds from that school year must be
24 returned to the state and be allocated to fund other accounts. A student may transfer
25 to another nonpublic school or home school and retain the funds in the education
26 savings account.
- 27 9-11. Funds deposited in an education savings account do not constitute taxable income to
28 the parent or the education savings account student.

29 **Bank of North Dakota - Administrator - Administration.**

- 30 1. The Bank of North Dakota shall:

LB 5089

- 1 a. Qualify private financial management firms to manage and administer education
- 2 savings accounts.
- 3 b. Conduct or contract for the auditing of accounts and, at a minimum, conduct
- 4 random audits of accounts on an annual basis. The Bank of North Dakota may
- 5 make a parent of an eligible student ineligible for the education savings account
- 6 program if the parent substantially misuses the funds in the account.
- 7 c. Refer cases of substantial misuse of funds to law enforcement for investigation if
- 8 evidence of fraudulent use of an account is obtained.
- 9 d. Make payments to eligible students' education savings accounts on a quarterly
- 10 basis.
- 11 e. Adopt rules and procedures as necessary for the administration of the education
- 12 savings account program.
- 13 2. The administrator shall provide to the parent of a participating student a written
- 14 explanation of the allowable uses of education saving accounts, the responsibilities of
- 15 the parent, and the duties of the administrator.

Participating schools - Accountability standards.

- 17 1. To ensure students are treated fairly and kept safe, each participating ~~private~~ school
- 18 shall:
- 19 a. Comply with all health and safety laws or codes that apply to ~~private~~ participating
- 20 schools;
- 21 b. Obtain certification of approval under section 15.1-06-06.1;
- 22 c. Hold a valid occupancy permit if required by the school's municipality; and
- 23 ~~e.d.~~ Certify the school complies with the nondiscrimination policies under [42 U.S.C.
- 24 1981]; and
- 25 ~~d. Conduct criminal background checks on employees. The participating school~~
- 26 ~~shall exclude from employment any individual who:~~
- 27 ~~(1) Is not permitted by state law to work in a private school; and~~
- 28 ~~(2) Might reasonably pose a threat to the safety of students.~~
- 29 2. To ensure funds are spent appropriately, a participating school shall:
- 30 a. Provide a parent with a receipt for all qualifying expenses at the school.

JB 5019

- 1 b. Demonstrate the school's financial viability, if the school is to receive fifty
2 thousand dollars or more during the school year, by filing with the administrator
3 before the start of the school year:
 - 4 (1) A surety bond payable to the state in an amount equal to the aggregate
5 amount of the funds from education savings accounts expected to be paid
6 during the school year from students admitted at the participating school; or
7 (2) Financial information demonstrating the school has the ability to pay an
8 aggregate amount equal to the amount of the funds from education savings
9 accounts expected to be paid during the school year to students admitted to
10 the participating school.
- 11 3. To allow parents and taxpayers to measure the achievements of the education savings
12 account program:
 - 13 a. Parents shall ensure:
 - 14 ~~(1) The eligible student annually takes the state achievement tests, nationally~~
15 ~~norm-referenced tests, or equivalent tests that measure learning gains in~~
16 ~~mathematics and language arts, and provide for value-added assessment. If~~
17 ~~a parent selects the state achievement test, the department shall pay~~
18 ~~associated costs and materials;~~
19 ~~(2) The results of the tests are provided to the department or an organization~~
20 ~~chosen by the state on an annual basis;~~
21 ~~(3) The student information is reported in a way that allows the department to~~
22 ~~aggregate data by grade level, gender, family income level, and race; and~~
23 ~~(4) The department, or an organization chosen by the department, is informed~~
24 ~~of the eligible student's graduation from high school~~ the parents are in
25 compliance with all state law pertaining to the category of nonpublic schools
26 the student is participating in.
 - 27 b. The department, or an organization chosen by the department, shall:
 - 28 (1) Ensure compliance with all student privacy laws;
29 (2) Collect all test results;
30 (3) Provide the test results, associated learning gains, and graduation rates to
31 the public on the department's website after the third year of test and

HB 7009

- 1 graduation-related data collection. The findings must be aggregated by the
2 student's grade level, gender, family income level, number of years of
3 participation in the education savings account program, and race;
4 (4) Provide rates for high school graduation, college attendance, and college
5 graduation for participating students to the public on the department's
6 website after the third year of test and test-related data collection; and
7 (5) Administer an annual parental satisfaction survey requesting each parent of
8 a student receiving an education savings account program grant indicate
9 the number of years the child has participated in the education savings
10 account program and express the parent's:
11 (a) Satisfaction with the education savings account program; and
12 (b) Opinions on other topics, items, or issues that may indicate the
13 effectiveness of the education savings account program.
14 4. A participating ~~private~~ school or other education service provider is autonomous and
15 not an agent of the state or federal government and:
16 a. The department may not regulate the educational program of a participating
17 ~~private~~ school or education service provider that accepts funds from an education
18 savings account, except as ~~otherwise provided by law~~ under this chapter and
19 chapter 15.1-23;
20 b. The creation of the education savings account program does not expand the
21 regulatory authority of the state, its officers, or a school district to impose an
22 additional regulation of ~~private~~ participating schools or education service providers
23 beyond the regulations necessary to enforce the requirements of the education
24 savings account program; and
25 c. Participating ~~private~~ schools and education service providers must have the
26 freedom to provide for the educational needs of the school's students without
27 governmental control.

28 **Department of public instruction - Administrator - Duties.**

- 29 1. The administrator shall:
30 a. Ensure eligible students and parents are informed annually of the schools that
31 will be participating in the education savings account program.

JK 9/29

- b. Create a standard form a parent of an eligible student may submit to establish a student's eligibility for the education savings account program. The administrator shall ensure the application is readily available to interested families through various sources, including the department's website.
 - c. Accept applications on a year-round basis and shall approve applications in a reasonable time frame.
 - d. Execute a multimedia marketing program targeting eligible families, especially those below the state's median household income, informing the families about the education savings account program and how to apply.
 - e. Establish a web and phone-based support system providing parents with education savings account program application support and ongoing account maintenance support.
 2. The department may bar a participating school or education service provider from the education savings account program if the department determines the participating school or education provider has:
 - a. Routinely failed to comply with the accountability standards established under this chapter; or
 - b. Failed to provide the eligible student with the educational services funded by the education savings account.
 3. If the department bars a participating school or education provider from the education savings account program, the department shall notify eligible students and parents of the decision as quickly as possible. A parent may appeal a decision of the department under chapter 28-32.
 4. The department shall adopt rules and procedures as necessary for the administration of the education savings account program.

School districts of residence - Duties.

The school district of residence:

1. Shall provide a participating school or education provider that has admitted an eligible student under this chapter with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 [20 U.S.C. Section 1232(g)].

Am 9069

- 1 2. May provide transportation for an eligible student to and from the participating school
- 2 or education provider under the same conditions as the school district of residence is
- 3 required to provide transportation for other resident students to ~~private~~ participating
- 4 schools. The school district of residence qualifies for state transportation aid for each
- 5 student transported.

**REPORT OF STANDING COMMITTEE
SB 2303**

Education Committee (Sen. Beard, Chairman) recommends **AMENDMENTS** ([25.0768.02002](#)) and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar. This bill does not affect workforce development.