

2025 SENATE EDUCATION

SB 2400

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

SB 2400
2/5/2025

Relating to the establishment of the education savings account program; to provide a continuing appropriation; and to provide an appropriation.

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

10:01 a.m. Chairman Beard called the hearing to order.

Discussion Topics:

- ESA for all students
- Tiered system
- Mental health assistance
- School meals

10:01 a.m. Senator Axtman, District 7, introduced the bill and submitted testimony #35289.

10:13 a.m. Maria Neset, Chief of Staff to Lt. Governor Striden and Senior Advisor to Governor Armstrong, testified in favor.

10:19 a.m. Brittany Bachmeier, Co-Founder Full Circle Academy, testified in favor and submitted testimony #35067.

10:28 a.m. Marie Vetter, Parent St. Michael's Catholic School Grand Forks, testified in favor and submitted testimony #34119.

10:35 a.m. Brenda Weisner, Special Needs parent Full Circle Academy, testified in favor and submitted testimony #34891.

10:46 a.m. Nick Archuleta, President ND United, testified in opposition and submitted testimony #35173.

10:59 a.m. Joe Drumm, Vice President - Grand Forks Education Association, testified in opposition and submitted testimony #34170.

11:03 a.m. Kierstin Hurtt, Superintendent Valley-Edinburg School District #118, testified in opposition and submitted testimony #34465.

11:13 a.m. Rick D, Superintendent Kidder County School District, testified in opposition and submitted testimony #34735.

11:20 a.m. Beth Slette, Superintendent West Fargo Public Schools, testified in opposition to and submitted testimony #35368.

11:36 a.m. Catrin Wigfall, Policy Fellow American Experiment ND, testified neutral and submitted testimony #35212.

Additional written testimony:

Carleen Schill, citizen, submitted testimony in favor #33300.

Amanda Dukart, employee and parent Christ the King Parish Mandan, submitted testimony in favor #33342.

Taylor Gall, citizen, submitted testimony in favor #33431.

Aimee Bachmeier, citizen, submitted testimony in favor #33479.

Chris Ahlers, citizen, submitted testimony in favor #33512.

Reed Mesman, citizen, submitted testimony in favor #33552.

Chantelle Woodbury, citizen, submitted testimony in favor #33578.

Jeff Ringstad, School Administrator Our Redeemer's Christian School, submitted testimony in favor #33722.

Amber P., citizen, submitted testimony in favor #33769.

Laura Gardner, citizen, submitted testimony in favor #33794.

Shawna Helbling, Parent St. Joseph Catholic Montessori School and School of the Holy Family, submitted testimony in favor #33979.

Perry Olson, citizen, submitted testimony in favor #34027.

Rachel Pankratz, citizen, submitted testimony in favor #34046.

Alexis Scott, citizen, submitted testimony in favor #34109.

Elizabeth Hoffner, citizen, submitted testimony in favor #34117.

Rebecca Obrigewitch, citizen, submitted testimony in favor #34133.

Charlie and Jaime Adams, parents non-public school, submitted testimony in favor #34182.

Chauncey Klein, citizen, submitted testimony in favor #34261.

Jeremy Schmaltz, School Board Member and parent St. Michael's Catholic School, submitted testimony in favor #34266.

Carrie Schumacher, homeschool mother, submitted testimony in favor #34529.

Kara Trom, parent, submitted testimony in favor #34592.

Lisa Roers, citizen, submitted testimony in favor #34599.

Kristin Franzen, citizen, submitted testimony in favor #34700.

Daniel Martinez, citizen, submitted testimony in favor #34739.

Johnna Varty, citizen, submitted testimony in favor #34999.

Linda Thorson, State Director Concerned Women for America of ND, submitted testimony in favor #34084.

Sara Dudley, Principal St. Michael's Catholic School, submitted testimony in favor #34183.

David Tamisiea, Executive Director ND Catholic Conference, submitted testimony in favor #34220 and #34216.

Shane Goettle, Lobbyist State Association of Nonpublic Schools, submitted testimony in favor #34964.

Michaela Larson, citizen, submitted testimony in favor #35065.

Jean Nasers, Parent Christ the King Catholic Montessori School, submitted testimony #35078.

Justin Forde, Americans for Prosperity, submitted testimony in favor #35099.

Dora Tschosik, citizen, submitted testimony in favor #35186.

Marya Skaare, President Trinity Catholic Schools, submitted testimony in favor #35189.

Kimbery Efta, parent, submitted testimony in favor #35251.

Derrick Nagel, School Administrator Christ the King School, submitted testimony in favor #35220.

Patrick Graff, Director of Legislative Policy American Federation for Children, submitted testimony in favor #35264.

Eric Hanson, citizen, submitted testimony in opposition #33335.

Brenda Seehafer, teacher Mt. Pleasant School Rolla, submitted testimony in opposition #33526.

Melissa Buchhop, citizen, submitted testimony in opposition #33593.

Samantha Harrison, District 34, submitted testimony in opposition #33642.

Renee O'Connor, citizen, submitted testimony in opposition #33704.

Justin Fryer, Superintendent Lisbon Public School District, submitted testimony in opposition #33719.

Sarah Lerud, President Valley City Education Association, submitted testimony in opposition #33736.

Trudy Fraase Wolf, Zeeland Public School, submitted testimony in opposition #33885.

Steven Heim, Superintendent Drake Public School, submitted testimony in opposition #33916.

Matt Leibel, citizen, submitted testimony in opposition #33936.

Kristin Nelson, citizen, submitted testimony in opposition #34163.

Kelly Pratt, citizen, submitted testimony in opposition #34175.

Cam Leedahl, citizen, submitted testimony in opposition #34316.

Monica Klein, citizen, submitted testimony in opposition #34364.

Mike McNeff, Superintendent Rugby Public School District #5, submitted testimony in opposition #34386.

Jason Braun, School Board Kidder County School District, submitted testimony in opposition #34433.

Jeff Schmidt, School Board Member Kidder County School District, submitted testimony in opposition #34434.

Eric Ripley, Grand Forks Public School District, submitted testimony in opposition #34569.

Cody Mickelson, citizen, submitted testimony in opposition #34572.

Erika Feole, citizen, submitted testimony in opposition #34577.

Dr. Mike Bitz, Superintendent Mandan Public Schools, submitted testimony in opposition #34582.

Aaron Loff, K-12 Principal Fesenden-Bowdon Public School, submitted testimony in opposition #34626.

Michelle Strand, citizen, submitted testimony in opposition #34658.

Carly Retterath, Mandan Public Schools, submitted testimony in opposition #34665.

Daryl Kappenman, citizen, submitted testimony in opposition #34696.

Zach Raknerud, citizen, submitted testimony in opposition #34806.

Terry Brenner, Superintendent Grand Forks GFAFB Public School Districts, submitted in opposition #34841.

Dave Berger, School Board President Grand Forks Public Schools, submitted testimony in opposition #34846.

Daphne Pedersen, citizen, submitted testimony in opposition #34852.

Jeff Fastnacht, Superintendent Bismarck Public School District, submitted testimony in opposition #33681.

Jessica Nolz, Special Education Teacher Grand Forks Public Schools, submitted testimony in opposition #34895.

Paula Moch, citizen, submitted testimony in opposition #34902.

Sany Hansen, citizen, submitted testimony in opposition #34960.

Joseph Nesdahl, citizen, submitted testimony in opposition #34980.

John and Wanda Peterson, citizens, submitted testimony in opposition #34996.

Shannon Krueger, citizen, submitted testimony in opposition #35004.

Kristy Rose, Tricity Home Educators Association, submitted testimony in opposition #35025.

Chris Larson, Superintendent Milnor Public School, submitted testimony in opposition #35063.

Vicki Voldal Rosenau, citizen, submitted testimony in opposition #35071.

Catherine Benton, citizen, submitted testimony in opposition #35086.

Brandon Baumbach, Business Manager Grand Forks Public Schools, submitted testimony in opposition #35113.

Theresa Deckert, Lobbyist ND Home School Association, submitted testimony in opposition #35133 and #35134.

Liz Legerski, citizen, submitted testimony in opposition #35140.

Dr. Aimee Copas, Executive Director ND Council of Educational Leaders, submitted testimony in opposition #35166.

Amy De Kok, Executive Director ND School Boards Association, submitted testimony in opposition #35178.

Ryan Gregg, Legislative Specialist ND Farmers Union, submitted testimony in opposition #35201.

Shawn Nix, School Board Member Kidder County School District, submitted testimony in opposition #35225

Brian Christianson, Superintendent New Salem-Almont School District, submitted testimony in opposition #35242.

11:43 a.m. Chairman Beard closed the hearing.

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.

To whom it may concern:

I am writing in opposition to SB 2400.

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 2400

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 2400, 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 2400, 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 2400 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 2400. 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 2400.

Sincerely,

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

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 2400, 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 2400.

Thank you for your service to the state of North Dakota and your time on SB 2400.

Hello Education Committee,

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

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

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

Sincerely,
Aimee Bachmeier

Hello Senate Education Committee,

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

I support SB2400 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 SB2400 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 SB2400 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 SB2400.

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 SB2400, 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 SB2400 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 2400.

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 2400. 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 2400.

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 2400.

Sincerely,

Samantha K. Harrison
District 34

1 **Testimony in Opposition to SB 2400 – Education Savings Account Program**

2 *Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools*

3 Good morning, Chairman and members of the committee.

4 First, I want to thank Senator Axtman, the key sponsor of this bill, as well as the
5 other sponsors, for their ongoing commitment to improving education in North
6 Dakota. I also appreciate the opportunity to share my thoughts today, which
7 reflect the concerns of both myself and many of my colleagues in education.

8 Over the past several legislative sessions, I, along with other educational leaders,
9 have voiced a concern that public schools—especially large districts like Bismarck
10 Public Schools, which serves nearly 13,900 students—are not equipped to be the
11 sole solution for every child's educational needs. The diversity of needs across our
12 student body is vast, and while we strive to support every child, it is unrealistic to
13 expect any single institution to address all of their academic, emotional, and
14 behavioral needs in a manner that is both efficient and effective.

15 We have seen this firsthand in our efforts to address complex issues such as
16 mental health, behavior, and personalized learning. Legislation aimed at providing
17 broader access to services like instructional tutors, additional assessments, or
18 specialized programs for arts and health services is well-intentioned, but in
19 practice, it is often challenging to implement these solutions at scale within public
20 school systems.

21 As a parent of two children, I understand firsthand how difficult it can be to
22 identify and address the full spectrum of a child's needs. I was able to recognize

1 my children's unique educational, emotional, and physical needs more clearly
2 than their teachers or administrators, simply because I was with them every day.
3 This personal experience has reinforced my belief that no single institution—
4 whether public or private—can be expected to meet every need for every child.
5 That's why I support efforts to empower families to make decisions that best
6 support their children, whether that's through educational materials, tutoring,
7 therapy, or college preparation programs.

8 However, despite my support for providing families with more educational
9 options, I must stand in opposition to SB 2400 as it is currently written,
10 particularly with regard to Section 1, Part 5, which outlines the use of public funds
11 for non-public schools.

12 I believe it is unwise and potentially unconstitutional to use publicly collected tax
13 dollars to fund non-public schools directly, without sufficient accountability
14 measures in place. While the bill includes some accountability provisions, such as
15 requiring compliance with 42 U.S.C. 1981 (which addresses discrimination), there
16 is no clear requirement for non-public schools to provide audit reports to the
17 state or make their board meetings open to the public. These are basic
18 transparency measures that public schools are required to uphold, and I believe it
19 is crucial that any recipient of public funds be held to similar standards of
20 oversight and accountability.

21 Furthermore, there is no language in the bill that ensures non-public schools
22 cannot continue to reject students based on factors such as academic
23 performance, special education needs, or other criteria that would not be

1 permissible in public schools. The lack of these protections is concerning, as it
2 creates a disparity between the oversight and inclusivity required of public
3 schools and the flexibility granted to non-public institutions.

4 In conclusion, while I wholeheartedly support empowering families to make the
5 best educational choices for their children, I believe we must be cautious in how
6 public resources are allocated, especially when it comes to non-public institutions.
7 We must ensure that public funds are used in a way that promotes accountability,
8 transparency, and equitable access for all students.

9 Thank you for your time and consideration. I would be happy to answer any
10 questions.

11

I am writing to urge you to oppose the six bills that would use public dollars to fund private schools. (HB 1540, HB 1590, HB 1607, SB 2295, SB 2303, SB 2400)

I am writing this in a unique position as someone who spent 8 years teaching in a private school before returning to public education last school year. I had a general opposition to vouchers before that, still had reservations during my employment in a private school, and after leaving fully opposed to any redirection of funds from public education to private systems.

I could give you any number of examples of things I saw that made me deepen my opposition. From a lack of diversity to the exclusion of student populations, lack of continuity of staff and so, so many other things I saw firsthand, this is not something I as a resident of North Dakota want my tax money going to. Students who wanted advanced placement classes still had to take those in the public school systems. I recall other instances in my time in the private systems hearing "we need to talk to Fargo public about that" for various funding and support aspects. We as a state are lucky enough to have strong academic systems in place. However, these systems require funding to remain so. Why divert funds to systems that still rely on the public school sector to operate?

The city of Fargo provides me with perfectly good sidewalks to run on. I want more, so I choose to purchase a gym membership. I don't expect anyone to pay for that membership. When I travel for another organization, they provide me a hotel room as long as I share with someone. I don't want to share a hotel room - so I pay for half. I made that choice. I expect no one to pay for my choice. In turn, I do not see the reasoning for my family, my children, my neighbors to pay for someone who is choosing resources beyond what is often provided in their own backyard. Are they welcome to their choice? Of course. Preferably not at the cost of my children's academic options and employment.

BOARD OF EDUCATION

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 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 2400. 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

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)

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

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 2400!

I support SB 2400, 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 2400 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 2400 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 2400.

To whom it may concern:

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

Thank you.

Sincerely,

Laura Gardner

Mandan, ND

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?

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

Dear Senate Education Committee,

I am writing to express my strong opposition to SB 2400. Regardless of the name given to these initiatives—whether education savings accounts, scholarships, or tax credits—if they divert funds from our public schools to private institutions, they are effectively vouchers. This is a dangerous path that threatens the integrity of our public education system, which is designed to serve every child, regardless of their ability, income, or background.

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

I urge you to reconsider the implications of SB 2400 and to prioritize our public education system. The future of our children and the strength of our community depend on it.

Thank you for your attention to this critical issue. VOTE NO on SB 2400.

Sincerely,
Matt Liebel

February 1st, 2025

RE: Testimony for SB 2400

Dear Legislators of North Dakota,

Greetings! My name is Shawna Helbling and I reside in Mandan, ND, where I have been a life-long resident. My husband and I have been married for almost 17 years and we have 3 children, ages 14, 12, and 9. All our children are currently enrolled at Saint Joseph Catholic Montessori School and School of The Holy Family in Mandan.

When I was young, my parents chose Catholic education for my brother and me. My husband went to public school. Catholic education has been something that has been especially important in my family. My grandmother and her siblings all attended St. Mary's High School. My parents both attended Catholic Schools. Many of our extended family have either worked or attended St. Mary's in Bismarck, Bishop Ryan in Minot, and Trinity in Dickinson. We are a big Catholic Family that have been formed and rooted in Catholic Education.

My grandmother was the school secretary at St. Joseph School in Mandan for 24 years. I was blessed to be able to have her in my school for the 7 years that I was there, and I know my brother feels the same way. My Catholic education instilled in me so much of who I am today. I had the best teachers, great opportunities, low classroom ratios, and most of all I had the opportunity to learn a deep love for Jesus and my Catholic faith. I know that it was a hardship for my parents to send us to a private school back in the 90's, but I know how important it was for my parents to at least give us the best start to our education and our faith life. They made it work with the resources that they had. Though I did not go to Catholic School after 6th grade, I am forever thankful to them for the education that I was given.

When it came time for our children to start school, there was a conversation that my husband and I had. We are a lower end middle class family and funds can be tight from time to time, especially raising 3 children, ensuring that can be provided for, and owning our own home. It was a tough conversation and I had to convince my husband that we needed to try to make it work for our family. He agreed on a temporary basis, because he was not sure how we would be able to afford it once it came to 2 more children. We are blessed to say that all our children have been attending Catholic School since they were 3 years old. It has never been easy to continue paying their tuition, but with great people around us, to support us, we have found a way to do so.

I honestly believe more people would choose private education if it were not for the tuition. It is a hard sell for many people. One thing we learned from our time in private schools is that not all children are created equal. Some students need a better environment to be in than a classroom that is overcrowded because schools are getting too big. Some children need more structured learning environments. Some need more one-on-one attention. Some need to feel more validated and the list goes on.

I would like to tell you about our daughter. Sarah is one of the most kind, heart of gold 14-year-olds you will ever meet. She is bubbly and knows no strangers, she gets that from her great grandpa. Our daughter has been riddled with much anxiety from an early age. She has seen specialists, been to counseling, taken to occupational therapy, and the list goes on. In 2019, our school could no longer afford a counselor, so they forfeited that position in the school. We were devastated. How would she function? How would she survive? Would there be anyone at the school who would be willing to do what the counselor did? God knew there was a plan. In 2020, our school made a radical change to the Montessori Method of learning. I will tell you, even as a former employee and life-time supporter, I had my doubts. Should we pull her? Does she need more structure? How would she be able to handle this change? We started looking at public schools, more private schools, and anything education related to see what would fit her the best. Little did we know, it was right there in the school that she was going to thrive! The first 2 years, there were many growing pains, many doubts for us as parents, and it was all new to us as we were learning and understanding Montessori, right along with our children. Today, not only our daughter, but all our children have grown so much and are becoming the best that they can be. They are excelling in their schoolwork. They enjoy going to school. We have some of the BEST guides (teachers) you will ever meet, and they all care deeply about each student they encounter. Our pastor, Fr. Josh Waltz, is 110% vested in Catholic education, just listen to his homily from last weekend. Next year, my middle child gets to experience middle school in a whole new way. We now have the first Catholic High School in Mandan, and we have brought back our Catholic middle school, which has not existed in Mandan for many years.

Why did I feel like it was important to share my story with you? Catholic Education has profoundly changed my family for the better. It has not been without some hardships, but those hardships make us stronger and cling to our faith more. I know there are 100 more stories just like ours out there. We want more people to be able to experience what we have experienced. That is where you come in. Please, help pass this bill to ensure that more people can truly experience what my family has been able to experience. To get a quality education in an environment where children are treated as Individuals, and not as just "the next student" to come along. Help us to be able to give the proper salary to our teachers who labor tirelessly for the mission of Private Education! Catholic Schools is one of the very first institutions that formed the founders of this country and the world. Please help us continue to form the world and our community for the better. Give more families the opportunity for private education with the help from the State of North Dakota.

Thank you for your time and attention and reading this testimony. May God continue to bless you all.

Sincerely,

Shawna Helbling
303 3rd Ave NE
Mandan, ND 58554

Members of the ND Legislature,


My name is Perry Olson and along with my wife Melissa, I write today to express our support for HB 1540 and SB 2400 and the push for school choice to become more and more available in North Dakota. As you know, many states have already established great programs that give greater freedom to its citizens to educate how they see fit, using their own tax dollars to do so. The funding should follow the student, not the school. States like Arkansas, Tennessee, Wyoming, Florida, and West Virginia have got it right...and I am excited that North Dakota can soon join them with the passage of legislation.

As you well remember, the Legislature passed a school choice bill last session, but it was ultimately rejected by the former Governor saying it didn't go far enough. While I disagreed with his stance (I think it was a great starting point that could have been built upon), I respected Gov. Burgum's decision. Now, you have the chance to send meaningful, conservative, legislation to Governor Armstrong's desk.

Our children attend Bishop Ryan Catholic School in Minot. It is a choice we make because we feel the product delivered there is worth the price. The freedom to deliver a Christ-centered education is vital to our family. That said, we send our three children there at great expense to our family. The establishment of Educational Savings Accounts, with my tax dollars following my child, would be a great boost to our family and many like ours. I should state that my comments on private education don't mean I am not impressed with our state's public schools. I contend ND has some of the best in the land. We are fortunate for that. Bishop Ryan offers the Christ-centered curriculum, however, that public schools do not, and for the last decade a 'Classical' education style that has been a massive success at BRCS. If more people could benefit from this, the better off our state would be.

It is great that North Dakota doesn't need to re-invent the wheel with this concept. As stated before, we simply need to take the lead from the states across our country that have already implemented (very successfully I might add) their programs. This all comes down to freedom. I pay taxes to educate my children...but my children do not attend public schools. Those funds are not 'public' funds – they are taxpayer dollars. Each North Dakotan should have the ability to direct their funds to the school they see fit. As stated before, the funding should follow the student.

I look forward to following the action on this bill, and more than that, I thank you all for your service to our state. Whether or not you agree with me or not, I am thankful that you have dedicated your time to our wonderful state.

A handwritten signature in black ink, appearing to read 'Perry Olson', with a long, sweeping horizontal line extending to the right.

Perry Olson
Minot, ND

To Whom It May Concern,

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

Sincerely,

Rachel Pankratz

CONCERNED
WOMEN *for* AMERICA
LEGISLATIVE ACTION COMMITTEE

February 5, 2025
Senate Education Committee
Testimony in Support of SB 2400

Chairman Todd Beard and Members of the Senate Education Committee, I am Linda Thorson, the State Director for Concerned Women for America (CWA) of North Dakota. My background is in education. I served as a speech-language pathologist in the public-school systems for 26 years and received the 2015 Council for Exceptional Children Teacher of the Year Award.

Today, I am testifying for CWA Legislative Action Committee in support of [SB 2400](#). As our state's largest public policy women's organization, CWA of North Dakota has seven core issues, education being one of them. The goals we are working to see in education are: 1. The quality of education restored to a level of excellence in academic achievement without governmental mandates detrimental to parental rights. 2. School choice options available to parents that will benefit all children.

Educational Savings Accounts, or ESAs, empower parents by providing them with more choices in their children's education. The ESA outlined in SB 2400 provides a government-authorized savings account for families with students in grades K-12 to use for educational purposes. For example, parents can use it to help cover private school tuition or online learning programs, private tutoring, software, or other educational materials.

ESAs are publicly funded, are administered by the state government, in this case, the North Dakota Department of Public Instruction, and use state funding already allocated for the student. They allow a parent to purchase vetted educational services to tailor a learning experience that meets a student's needs. Contrary to what you will hear from some detractors, ESAs do not destroy public schools. Parents who feel their public school is working need not change. They need not apply to receive the money and can continue as they were.

To date, eighteen states offer students access to an ESA, the amount of which varies from 27% of the state's per-pupil spending to nearly 100%.¹ States with ESAs are Arkansas, Arizona,

¹ Roco, Emily, State Actions on Education Savings Accounts, (NCSL) National Council for State Legislators, May 03, 2024, [State Actions on Education Savings Accounts](#)

Florida, Georgia, Indiana, Iowa, Mississippi, Montana, Missouri, New Hampshire, North Carolina, South Carolina, Tennessee, Utah, West Virginia, Wyoming, and Utah. ²

SB 2400 offers universal ESA eligibility, defining an “Eligible Student” as an elementary or secondary student who is a resident of this state and eligible to attend a public school. The opportunity for students to benefit from enhanced educational opportunities and experiences will not depend on where the family resides. Families in rural locations will have the same access to an educational savings account as those in urban cities like Fargo, Grand Forks, and Bismarck.

Educational Savings Accounts will be available to all students whether they attend a public school or another school setting such as a private school or homeschool. The state’s payments range from one thousand dollars to four thousand dollars.

We are not a one-size-fits-all society. How can the state of North Dakota support a one-size-fits all educational system? It is time for change. Follow Governor Kelly Armstrong’s lead. On January 7, 2025, in his [State of the State Address](#), he declared,

“Our budget will support Education Savings Accounts – funding set aside for each student to direct toward services or tuition across our public, nonpublic or homeschool settings. 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.”³

The goal of providing quality of education to a level of excellence in academic achievement is best accomplished when parents are empowered to provide more choices in their children’s education. Support Educational Savings Accounts.

I urge a “do pass” on SB 2400

² Mercier, Jason, 29 States Now Have Some Form of ESA, Education Choice Tax Credit or Education Tax Scholarships, March 26, 2024, Mountain States Policy Center, [29 states now have some form of ESA, education choice tax credit, or education tax scholarship](#)

³ North Dakota Office of the Governor, January 7, 2025, [Armstrong outlines property tax relief and reform plan in 2025 State of the State Address to Legislature | North Dakota Office of the Governor](#)

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 SB2400, 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 SB2400 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 2400.

Thank you for your service to the state of North Dakota and your time on SB 2400.

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 SB2400, 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 SB2400. Thank you for your service to the state of North Dakota and your time on SB2400.

Sincerely,

Liz Hoffner and Family

Hello Senate Education Committee,

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

I support SB 2400, but I am also in support of all school choice bills that support parent autonomy and the right to provide an education for my child. I support SB 2400.

In voicing my support of SB 2400, I'll be direct: this isn't just about policy—it's about our children and our constitutional rights as parents.

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

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

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

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

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

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

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

I urge you to vote in favor of SB 2400.

Thank you for your service to the state of North Dakota and your time on SB 2400.

Respectfully,

Marie Vetter

February 3, 2025

North Dakota Senate Education Committee

State Capitol

Bismarck, ND 58501

RE: Endorsement of SB 2400

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 2400, 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 2400.

Thank you for your service to the state of North Dakota and your time on Senate Bill 2400.

Sincerely,

Rebecca Obrigewitch

Kristin Nelson

2/3/25

5409 20th Street South

Fargo, ND

District 46

DO NOT PASS SB 2400

Senator Beard and members of the Senate Education Committee:

I urge a **DO NOT PASS** on SB 2400. **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.



To Whom it may concern;

My name is Joe Drumm. I'm reaching out in opposition to SB 2400, a bill which takes public dollars and moves those funds to support private schools (otherwise commonly known as vouchers).

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

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

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

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

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

Thank you for your time,
Joe Drumm



Sources:

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

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

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

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

I strongly OPPOSE HB 2400

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.

February 3, 2025

Dear Chairman Beard and Members of the Senate Education Committee,

We are Charlie and Jaime Adams and we live in District 27, South Fargo. We are parents who choose to enroll our children in Nativity Catholic Elementary School.

We support SB 2400 and support all school choice bills because we moved from a rural school district to Fargo and with the opportunity to enroll in a non-public school because we wanted more opportunity for a religious education than what the public schools provide. As a result, we pay tuition out of pocket, and we continue to pay taxes to the public school district without any burden to the district. This bill will positively impact our family by creating more certainty in being able to afford the tuition and keep the choice available to our family.

I urge you to vote DO PASS on SB 2400.

Thanks for your consideration,

Charlie and Jaime Adams
701-809-6262

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

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504 5th Ave. N.

Grand Forks, ND 58203



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

To: Senate Education Committee
From: David Tamisiea, Executive Director
Subject: Senate Bill 2400 - Education Savings Accounts
Date: February 5, 2025

The North Dakota Catholic Conference strongly supports Senate Bill 2400.

SB 2400 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 all 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.

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Do Not Let North Dakota Fall Behind

Parental choice is widely recognized as essential for quality K-12 education. Just last week, the President signed an executive order to expand educational freedom by directing federal agencies to prioritize school choice programs when awarding federal dollars to support state K-12 education.¹ There are currently 33 states that have some form of parental choice in education that allow public funds to be used by parents to access the schools or services that best fit their child's needs.² These state school choice programs include 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 under SB 2400 Expand Educational Choices for Everyone

Education Savings Accounts under SB 2400 could potentially benefit every student and family in the state of North Dakota. Funds 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 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. Public school students could use the other educational tools to enhance their free public school education.

Families in rural areas could also benefit immensely from greater access to educational resources with an ESA. A recent study of families using Florida's ESA program found that rural families utilized more of their ESA funds than urban and suburban families.⁴ The study also found that rural families spent smaller portions of their ESA funds on

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>.

⁴ Loftin, Michelle and Michael Lueken (2021). Distribution of Education Savings Accounts Usage Among Families: Evidence from the Florida Gardiner Program. (EdWorkingPaper: 21-426). Retrieved from Annenberg Institute at Brown University: <https://doi.org/10.26300/baz8-7757>.

non-public school tuition and more on the other educational materials and tools tailored to their 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.

The bottom line is this: whether a student is educated in a public school, non-public school, or home setting, whether one lives in an urban, suburban, or rural area, every North Dakota family stands to benefit from an ESA program under SB 2400.

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.

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.⁵ 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 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.⁶

⁵ 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/ineits/ed/non-public-education/files/permission-to-operate-comparison-chart.pdf>.

⁶ Act of Feb. 22, 1889, 25 Stat. 676, ch. 180 (1889)

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 cases, the Court held that withholding public funds from private religious schools under state Blaine Amendments was unconstitutional.

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.⁷ (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.⁸

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

⁷ North Dakota Attorney General Opinion 2022-L-07.

⁸ 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).)

savings accounts are constitutional and would expand educational opportunities for all families in North Dakota.

We urge a **Do Pass** recommendation on Senate Bill 2400.



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

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).

LETTER OPINION 2022-L-07

Page 2

November 29, 2022

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

LETTER OPINION 2022-L-07

Page 3

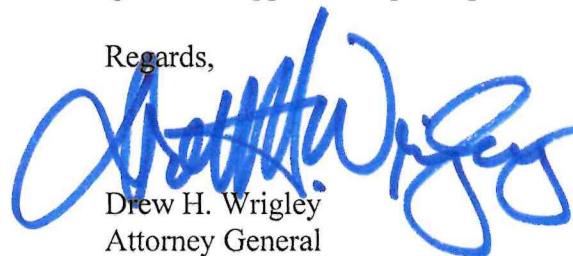
November 29, 2022

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).



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and the Diocese of Bismarck*

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

The North Dakota Catholic Conference supports House Bill 1607.

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

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

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

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

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

Educational Empowerment Accounts

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

Do Not Let North Dakota Fall Behind

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

Educational Empowerment Accounts Expand Educational Choice

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

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

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

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

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

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

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

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

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

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

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

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

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

Educational Empowerment Accounts Are Constitutional

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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



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Drew H. Wrigley
ATTORNEY GENERAL

LETTER OPINION
2022-L-07

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

Dear Dr. Pitkin:

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

ANALYSIS

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

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

² N.D. Const. art. VIII, § 5.

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

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

LETTER OPINION 2022-L-07

Page 2

November 29, 2022

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

LETTER OPINION 2022-L-07

Page 3

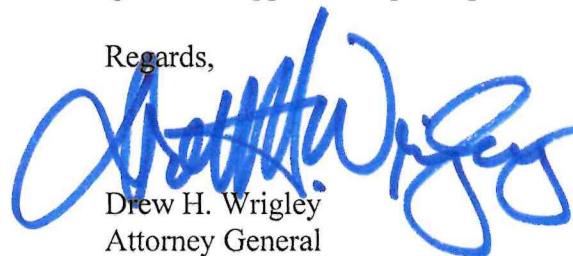
November 29, 2022

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

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

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

Regards,



Drew H. Wrigley
Attorney General

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

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

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

¹⁵ *Id.* at 2261.

¹⁶ 142 S.Ct. 1987 (2022).

¹⁷ *Id.* at 2002.

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

Hello

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

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

Regards,

Chauncey Klein

Greetings, Senate Education Committee,

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

I support SB 2303, SB 2295, and SB 2400, 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, SB 2295, and SB 2400 because having previous experience in both the public and private sector of education in my community as a former music educator, I believe that parents should have the right to choose where their tax dollars are allocated to provide their children with the best future they can provide. The public schools here in Grand Forks have chosen to include ideological content that is harmful to the natural development of elementary aged and middle school aged children. Kids are bullied for not being LGBTQAI + in GFPS. There has been a rise in kids who identify as transgender and non-binary ever since these policies have been adopted. Several students have gone as far as taking puberty blockers, have begun and nearly finished the process of transition. This is biologically and psychologically damaging on many levels, not to mention, banned in the EU. I find it sad that I must protect my child against this environment at my local public elementary school. As such, I do so voluntarily, but feel no other option but to send my child to a private institution. I personally choose a Catholic education for its rigorous academics, quality educators, the instillment of character and values that promote community service and leadership, and for its faith-based approach that aligns with our family's core values.

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

I urge you to vote in favor of SB 2303, SB 2295, and SB 2400. In the United States, 11 states have universal private school choice programs, and 21 states have limited private school choice programs. It is time ND adopt these school choice programs to further empower its citizens and invest in the future of its children.

Thank you for your service to the state of North Dakota and your time on SB 2303, SB 2295, and SB 2400.

Testimony against Senate Bill 2400

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 2400.

Whether it be ESAs, vouchers, or “money follows the child”, any taxpayer dollars spent outside of the public schools creates 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 difficulty.
- 2) Accountability follows the money. Private schools and homeschools 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, curriculum, services and programs 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 and homeschools that do not take the money, and an increasing burden to taxpayers.

Non-public schools and homeschools that use public money become **just a different type of public school**. ESAs do not contribute to 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.

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 SB 2400

2
3 Chairman Beard and Members of the Committee, my name is Mike McNeff, and I serve as
4 Superintendent for Rugby Public School District. I appreciate the opportunity to testify in
5 opposition to Senate Bill 2400, which seeks to establish an Education Savings Account (ESA)
6 program that diverts public education funds to private institutions with little accountability,
7 financial transparency, or equitable access for all students.

8
9 As a fiscally responsible, conservative state, North Dakota must ensure that taxpayer dollars are
10 used responsibly and fairly. SB 2400 fails to meet this standard by creating an ESA program
11 that allocates up to \$4,000 per student for private school tuition, while public school students
12 receive just \$1,000. This structure prioritizes private education at the expense of the public
13 school system, which serves 90% of North Dakota's students.

14
15 SB 2400 creates a funding disparity that favors private school families over public school
16 students. Under this bill, private school students could receive up to \$4,000 per year depending
17 on family income, home education students would receive \$1,000, and public school students
18 who already attend taxpayer-funded institutions would receive only \$1,000. This unequal
19 distribution of state aid disadvantages the vast majority of students in North Dakota. If the goal
20 is to support all students, then any ESA program should provide the same flat dollar amount for
21 all 127,500 students in the state, whether they attend public, private, or home school.

22
23 Unlike public schools, which must adhere to state curriculum standards, testing requirements,
24 and financial audits, SB 2400 allows taxpayer dollars to flow into private institutions with no
25 guarantee of oversight. There are no academic performance requirements for private schools
26 receiving ESA funds, no mandated financial transparency to ensure funds are spent
27 appropriately, and no requirement that private schools receiving ESA funds accept all students,
28 meaning they can exclude students with disabilities, behavioral challenges, or special education
29 needs. Public education funding must be held to a higher standard of transparency. If taxpayer
30 dollars are used to fund private education, those institutions must follow the same regulations as
31 public schools.

32
33 North Dakota's 170 school districts include many rural communities that lack private school
34 alternatives. SB 2400 disproportionately benefits families in urban areas where private schools
35 exist, while rural students receive no meaningful school choice. Public school districts in rural
36 areas will still be required to operate and provide services to all students, but with reduced state
37 funding. Rural students will be left with fewer resources, larger class sizes, and diminished
38 opportunities due to state aid being diverted to private education options that do not exist in their
39 communities. We should not incentivize urban areas at the expense of rural schools. If the goal
40 is true fairness, every student in North Dakota should have access to the same level of funding.

41
42 North Dakota's Article VIII, Section 5, and Article X, Section 18 explicitly prohibit the use of
43 public funds for sectarian schools. SB 2400 indirectly directs state funds toward private religious
44 education, raising legal concerns and potential constitutional challenges.

45

46 If North Dakota is going to invest in education, funds should be accountable, transparent, and
47 equitably distributed to benefit all students, not just a select few. SB 2400 fails to meet this
48 standard by disproportionately favoring private schools, reducing resources for public education,
49 and creating a two-tiered system that disadvantages rural and public school students. I urge you
50 to oppose SB 2400 and any legislation that weakens public education by diverting funds to
51 private institutions without accountability, oversight, or fairness. Thank you for your time and
52 consideration. I am happy to answer any questions.



Kidder County Public School District#1


High School Principal

Michael Wachter

Elementary Principal

Ryan Larson

Business Manager

Sonya Larson

Secretary

Darci Mittleider

RICHARD DIEGEL, Superintendent
Administrative Office

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Board of Education:

Jason Schmidt, President

Shawn Nix, Vice President

Jeff Schmidt, Director

Kip Haadem, Director

Jason Braun, Director

Hoyt Wagner, Director

Paula Moch, Director

Oppositional Testimony on Senate Bill 2400: Education Savings Accounts (ESAs)

My name is Jason Braun, and I serve on the Kidder County School Board. This testimony is to voice my strong opposition to Senate Bill 2400, which proposes establishing Education Savings Accounts (ESAs) in North Dakota.

As a school board member, I see firsthand how every dollar impacts our students, teachers, and community. While the idea of giving families more educational choices might sound appealing, the reality is that this bill threatens the quality and stability of our public schools—especially in rural areas like Kidder County.

1. Diverting Funds from Public Schools and Other Vital Areas

Public schools are the backbone of our communities, particularly in rural areas where we don't have private school options nearby. Senate Bill 2400 would take funds away from our public schools to support private education, but the majority of families in Kidder County won't even have access to these alternatives.

Our school district operates on a careful budget, and losing state funding—no matter how small it might seem—means cutting essential programs, increasing class sizes, or reducing staff. This bill threatens to undermine the resources we rely on to provide a quality education for *all* students in our district.

The argument may be made that these funds may not go to public education anyway. Though that may be true, the fact is that a minimum \$120 million will be diverted from somewhere. Whether that be from public schools, child protection services, roads and bridges or ambulance and law enforcement services, there will be \$120 million less to distribute.

2. Lack of Oversight and Accountability

Public schools are held to high standards. We're accountable to the community, the state, and most importantly, to our students. We follow strict guidelines for curriculum, teacher certification, and student performance. However, SB 2400 does not require private schools or educational providers receiving ESA funds to meet the same standards.

Without clear oversight, there's no guarantee that taxpayer dollars will be spent on quality education. Public funds should come with public accountability, and this bill simply doesn't ensure that.

3. Unfair to Rural Communities

In Kidder County, and many other rural areas across North Dakota, families don't have access to private schools or alternative education providers. This bill creates a system where families in larger cities may benefit, while rural communities are left behind with fewer resources and no real "choice."

Our public schools are not just educational institutions—they are community hubs. When public schools suffer, the whole community feels the impact. Senate Bill 2400 would widen the gap between urban and rural education, making it even harder for rural schools like ours to provide the opportunities our students deserve.

4. Fiscal Responsibility and Long-Term Impact

Senate Bill 2400 is not a fiscally responsible solution. The *minimum* estimated cost of this program is \$120 million, a substantial amount that will be diverted from our public education system. Once ESA programs are introduced, they tend to expand over time, leading to even more state funds being redirected from public schools.

This financial strain could force future cuts to essential services or require higher taxes to make up the difference. Other states that have implemented similar programs have not seen consistent improvements in student outcomes. We should not risk the stability of our public education system for a program that lacks clear, proven benefits.

Conclusion

As a school board member, my priority is ensuring every student in Kidder County has access to a quality education. Senate Bill 2400 jeopardizes that by diverting funds from our public schools, reducing accountability, and creating inequities between urban and rural communities—all at a *minimum* cost of \$120 million to North Dakota taxpayers.

I strongly urge you to oppose Senate Bill 2400. Thank you for your time.



Kidder County Public School District#1


High School Principal

Michael Wachter

Elementary Principal

Ryan Larson

Business Manager

Sonya Larson

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Oppositional Testimony on Senate Bill 2400: Education Savings Accounts (ESAs)

My name is Jeff Schmidt, and I serve on the Kidder County School Board. This testimony is to voice my strong opposition to Senate Bill 2400, which proposes establishing Education Savings Accounts (ESAs) in North Dakota.

As a school board member, I see firsthand how every dollar impacts our students, teachers, and community. While the idea of giving families more educational choices might sound appealing, the reality is that this bill threatens the quality and stability of our public schools—especially in rural areas like Kidder County.

1. Diverting Funds from Public Schools and Other Vital Areas

Public schools are the backbone of our communities, particularly in rural areas where we don't have private school options nearby. Senate Bill 2400 would take funds away from our public schools to support private education, but the majority of families in Kidder County won't even have access to these alternatives.

Our school district operates on a careful budget, and losing state funding—no matter how small it might seem—means cutting essential programs, increasing class sizes, or reducing staff. This bill threatens to undermine the resources we rely on to provide a quality education for *all* students in our district.

The argument may be made that these funds may not go to public education anyway. Though that may be true, the fact is that a minimum \$120 million will be diverted from somewhere. Whether that be from public schools, child protection services, roads and bridges or ambulance and law enforcement services, there will be \$120 million less to distribute.

2. Lack of Oversight and Accountability

Public schools are held to high standards. We're accountable to the community, the state, and most importantly, to our students. We follow strict guidelines for curriculum, teacher certification, and student performance. However, SB 2400 does not require private schools or educational providers receiving ESA funds to meet the same standards.

Without clear oversight, there's no guarantee that taxpayer dollars will be spent on quality education. Public funds should come with public accountability, and this bill simply doesn't ensure that.

3. Unfair to Rural Communities

In Kidder County, and many other rural areas across North Dakota, families don't have access to private schools or alternative education providers. This bill creates a system where families in larger cities may benefit, while rural communities are left behind with fewer resources and no real "choice."

Our public schools are not just educational institutions—they are community hubs. When public schools suffer, the whole community feels the impact. Senate Bill 2400 would widen the gap between urban and rural education, making it even harder for rural schools like ours to provide the opportunities our students deserve.

4. Fiscal Responsibility and Long-Term Impact

Senate Bill 2400 is not a fiscally responsible solution. The *minimum* estimated cost of this program is \$120 million, a substantial amount that will be diverted from our public education system. Once ESA programs are introduced, they tend to expand over time, leading to even more state funds being redirected from public schools.

This financial strain could force future cuts to essential services or require higher taxes to make up the difference. Other states that have implemented similar programs have not seen consistent improvements in student outcomes. We should not risk the stability of our public education system for a program that lacks clear, proven benefits.

Conclusion

As a school board member, my priority is ensuring every student in Kidder County has access to a quality education. Senate Bill 2400 jeopardizes that by diverting funds from our public schools, reducing accountability, and creating inequities between urban and rural communities—all at a *minimum* cost of \$120 million to North Dakota taxpayers.

I strongly urge you to oppose Senate Bill 2400. Thank you for your time.

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.

To the ND House and Senate Education Committees –

Thanks for your hard work on behalf of North Dakotans.

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

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

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

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

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

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

Carrie Schumacher
1001 N. Mandan St, Bismarck



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

Direct Phone: 701.746.2205, ext. 7117
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eripley270@mygfschools.org

February 4, 2025

Subject: Opposition to ESA Provision for Private School Reimbursement

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

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

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

Additionally, Article X, Section 18 affirms that

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

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

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

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

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

Sincerely,

Eric Ripley
Executive Director of Career & Technical Education

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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

To Whom it may concern,

I am writing to express my strong opposition to SB 2400, which is currently under consideration by the committee. As a concerned life-long resident and teacher in North Dakota and a firm believer in the strength of our public education system, I urge you to recommend a DO NOT PASS on this legislation. I am a product of K-12 public education from a Class B town in western North Dakota, a product of the University of North Dakota, and now a teacher in a city in eastern North Dakota. The legislation in question seeks to divert crucial funds from public schools by implementing a voucher system.

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

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

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

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

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

Thank you for your time,

Erika Feole

1 SB2400– 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 SB2400.

8

9 Although the fiscal note for this bill has not yet been posted, I am
10 estimating it will be well over \$200,000,000. These are public
11 dollars appropriated by the legislature and there is no fiscal
12 accountability. The schools receiving these funds are not required
13 to account for how these funds will be spent - As a Conservative
14 and a ND taxpayer, I will tell you that this is not only bad
15 government, it is wrong. ND has great private schools, with good
16 people working in them, but giving anyone \$200,000,000 without
17 any fiscal accountability is a bad idea. If you approve this bill,
18 please put guardrails in place to ensure full accountability for
19 these dollars. The taxpayers of ND deserve this.

20

21 ND has great private schools, and no one is arguing that parents
22 should not be able to send their children to these great schools.
23 However, I find it confusing that the legislature is also

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

11 Thank you for the opportunity to speak to you today. I urge you
12 to vote NO on HB2400. At a minimum if you are going to
13 approve this bill, amend it and give taxpayers the fiscal
14 accountability they deserve. I would be happy to stand for any
15 questions.

Hello Senate Education Committee,

My name is Kara Trom. I live in District 25 and I am a parent who has chosen to enroll my children at St. John's Catholic School in Wahpeton, ND. I support SB 2400, 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 XXX because I believe that all families should have a say in the environment in which their children receive education.

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

I urge you to vote in favor of SB 2400 to allow parents greater flexibility when choosing which school, they send their children to and ease the financial burden that goes with private schools.

Thank you for your service to the state of North Dakota and your time on SB 2400.

Kara Trom

Wahpeton, ND

To the House Education Committee,

My name is Lisa Roers and I live in District 37. I am the parent of 4 children who I have enrolled in Catholic Education over the past 13 years. I am in support of Bill HB 1590 that supports the parent's right to chose the route of education they would like their child to take.

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

I urge you to vote in favor of HB 1590. Thank you.

Lisa Roers

1 Testimony in Opposition to SB 2400 - Education Savings Account Program

2 Mr. Aaron Loff, Principal/Activities Director, Fessenden-Bowdon Public Schools

3 Good morning, Chairman and members of the Senate Education Committee.

4 I would like to start off by thanking all members of the House and Senate for their continued
5 commitment to education in the State of North Dakota. The work we do as educators is often a
6 thankless endeavor, with the primary reward of seeing our graduates develop into productive
7 members of a society. I deeply appreciate the opportunity to be here today to express my
8 thoughts and the concerns of myself and many of my colleagues in education.

9 Whether our graduates choose to pursue post-secondary education, receive certification in a
10 trade, or move directly into the workforce, the efforts of our lawmakers and, especially, our
11 educators are brought to fruition. As the Principal of a North Dakota K-12 School, I have the
12 unique opportunity to work with students in every phase of their educational journey. The issues
13 that most districts in our state face, include lack of resources, shortage of teachers, and a
14 shortage of student support in social-emotional learning and mental health.

15 SB 2400 provides a disproportionate funding schedule between private and public school
16 students. The challenge that many families face in rural North Dakota is their proximity to
17 private school education. Freedom of choice is only a reality for those in our more urban areas,
18 where a vast majority of Private Schools are located. Section 1, Part 5 of SB2400 specifically
19 outlines the criteria for which public funds can be spent for non-public schools, which is the
20 primary reason I am opposing this bill.

21 Rural public schools in North Dakota are hurting. We are struggling yearly to provide the
22 staffing and support that our students need to thrive in today's world. Public schools are the
23 backbone of many of our communities, and the success of these schools can ultimately

1 determine the well-being of the community as a whole. Diverting public school funding
2 elsewhere jeopardizes the future of our schools and communities.

3 If this bill were to pass, what would the system of accountability look like for private schools? If
4 they are to receive public dollars to operate their private schools, shouldn't they be held to the
5 same rigorous standards of curriculum, testing, and financial management? Taking money
6 away from public schools would be a tremendous disservice to the over 127,000 students
7 enrolled in them.

8 As a father of 4 children, all of whom attend my school district, I understand that each student
9 has unique needs that need to be met in a variety of different ways. The challenge for all
10 schools, public and private, is finding the necessary resources to meet the needs of its students.
11 Utilizing public funds in private schools decreases the ability of public schools to meet the needs
12 of all learners.

13 The potential fallout from this bill could extend well beyond academics. Would public funding
14 going toward private schools have an impact on extracurricular activities? When schools have
15 no district boundaries, the pool of potential student-athletes they can pull from is unlimited.
16 This, along with the ability to control student enrollment, opens up the door to the creation of
17 "dream teams" that could dominate high school sports for years. The additional funding
18 received through this bill could easily help offset the costs of tuition, enabling schools to go after
19 the best talent our state has to offer all while meeting the enrollment requirements to stay in the
20 class of their choice.

21 In conclusion, I oppose this bill as a taxpayer, father, school principal, and activities director. SB
22 2400, and all of the potential fallout of its passing, is not good for public schools, students,
23 educators, or the hard-working North Dakotans who want to see their communities thrive and
24 countless graduates walk across the stages in our state each May.

1 Thank you for your time and consideration, and I would be happy to answer any questions you
2 may have.

3

4

5

I am writing this in opposition to SB 2400. I have been an educator for 32 years and I spent 9 years of that teaching in private schools. I personally know that private schools don't provide services for a whole sub-section of students, mainly students with disabilities. Public schools are held to a higher standard since they are required to accept ALL students. This is a time when we need all our resources in the public schools.

SB 2400 aims to divert taxpayer dollars to private and religious schools, which are not held to the same transparency, accountability, or accessibility standards as our public schools.

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

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

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

Michelle Strand

Veteran K-12 Teacher

2015 Presidential Award for Excellence in Mathematics and Science

2022-23 Albert Einstein Distinguished Educator Fellow

National Board Certified Teacher since 2014

1 SB 2400 – Relating to Educational Savings Accounts

2 Mandan Public Schools – Dr. Carly Retterath Testimony

3 I am Dr. Carly Retterath, Assistant Superintendent of Mandan Public Schools. I am writing to you
4 today to express my opposition to Senate Bill 2400, which seeks to establish Educational Savings
5 Accounts (ESAs) for North Dakota students.

6 First, I want to thank this committee for their time and dedication to North Dakota Students and
7 their families. While I support giving families voice and choice in their students education I can
8 not support this bill as it is currently written.

9 First, public money requires public accountability. Our public schools are held to rigorous
10 standards of accountability and transparency. Every dollar spent is tracked and audited to ensure
11 it is used effectively. In contrast, while this bill outlines some accountability for private
12 institutions it does not appear to require public audits or public school board meetings. Diverting
13 public funds to private schools through ESAs without these safeguards undermines the
14 accountability that taxpayers expect and deserve.

15 In addition, it is often argued that private schools achieve better test scores, but it is essential to
16 recognize that private schools have the luxury of selecting their student body. Currently, there is
17 no provision in the bill that would prohibit private schools from denying students based on
18 academic deficits, behavioral needs or other established criteria. By choosing which students to
19 admit, they can shape their performance metrics, thus creating an uneven playing field when
20 compared to public schools, which are committed to educating every child regardless of
21 background, ability, or socioeconomic status.

22 Furthermore, rural schools are the lifeblood of their communities. They are more than just
23 educational institutions; they are centers of community life and civic engagement. Diverting funds
24 away from these schools to support ESAs will exacerbate the financial strain on already resource-
25 limited rural schools. This policy would not provide any meaningful choice to rural students, as
26 private schools are often not a feasible option due to distance and accessibility.

27 Instead of siphoning funds away from public schools, we should focus on strengthening them.
28 Investment in public education is an investment in the future of our state. Ensuring equitable access
29 to high-quality education for all students, regardless of their geographic location or economic
30 circumstances, should be our top priority.

31 Instead of siphoning funds away from public schools, we should focus on strengthening them. I
32 fully support parents' ability to choose services such as tutoring, counseling, and college
33 coursework to meet their child's needs. However, we need to be cautious about giving money to
34 private institutions without appropriate accountability and at the expense of students that do not
35 have the same opportunities. Investment in public education is an investment in the future of our
36 state. Ensuring equitable access to high-quality education for all students, regardless of their
37 geographic location or economic circumstances, should be our top priority.

38 In conclusion, Senate Bill 2400 threatens to weaken the very foundation of public education in
39 North Dakota. It diverts critical resources from public schools and lacks the accountability that
40 stewardship of public money demands. I urge you to consider the long-term implications of this
41 bill and to stand against it in support of our public education system.

42 Thank you for your time and consideration.

February 4, 2025

RE: SB 2295 & SB 2400

Public funds should support public schools, which serve all children regardless of background, ability, or beliefs. Redirecting taxpayer dollars to private schools weakens public education by diverting already limited resources, worsening teacher shortages, and increasing inequality—especially in rural areas where private school options are scarce and not everyone has the flexibility to home school.

Unlike public schools, private institutions can reject students based on disability, behavior, or religious beliefs, and they are not required to follow the same transparency, testing, or teaching licensing standards. Public funding for private schools primarily benefits wealthier families who can afford tuition beyond what vouchers cover, while leaving lower income students behind. Expecting taxpayers to fund private school tuition is like me asking for a handout to subsidize my country club membership. There are public greens maintained by taxpayer dollars, but our family wanted different amenities and have our personal reasons, so we chose a different option. Additionally, there are new hospital services in ND offering membership by a monthly subscription fee. I could choose to doctor there for personal reasons; I would not expect my subscription fee to be subsidized by taxpayer dollars because there are public health institutions that are required to see every patient that taxpayers already help maintain—a personal choice should not be subsidized with public money. Even if all of these “choices” were subsidized, they would still not be an option for the poorest children—who have no choice in this matter if it costs them anything.

Instead of diverting funds to exclusive institutions, we should focus on strengthening public schools by increasing teacher pay, improving curriculum, looking at stronger pre-k options for all children, and ensuring all students have access to the education they deserve. These are research based tactics that would improve outcomes. (I urge you to look at what was done in West Virginia in a bipartisan manner and the ensuing RESULTS.)

In reading through many of the testimony in support of this bill I couldn't help but notice arguments for including many hot button issues. This era of culture wars and politics is blinding us and making us worse off—there are meaningful paths forward based on data. What if someone wanted to open a private school just for transgender kids or a school just for atheists? If states fund private religious schools or other selective institutions with tax dollars, then these schools would also be eligible. This policy isn't about school choice, it's about picking ideological winners and losers with public money. Instead of opening the door to taxpayer-funded ideological battles, we should keep public money in public schools. Let's keep our Midwestern common sense.

North Dakota is already falling behind, I fear this legislation would make disparities and outcomes worse. I do believe there is room to improve the public education system in ND, and avenues for everyone's voice to be heard to come up with solutions, but leaving public schools behind is not the way to go about it. Please vote no on this bill.

Thank you for your consideration,

Daryl Kappenman

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 2400, 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 2400.

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 2400.

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

Respectfully,

Handwritten signature of Kristin Franzen in cursive script.



Kidder County Public School District#1


High School Principal

Michael Wachter

Elementary Principal

Ryan Larson

Business Manager

Sonya Larson

Secretary

Darci Mittleider

RICHARD DIEGEL, Superintendent
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Oppositional Testimony on Senate Bill 2400: Education Savings Accounts (ESAs)

My name is Rick Diegel and I am the superintendent of schools at the Kidder County School District in Steele, North Dakota. This testimony is to voice my strong opposition to Senate Bill 2400, which proposes establishing Education Savings Accounts (ESAs) in North Dakota.

As a school leader, I see firsthand how every dollar impacts our students, teachers, and community. While the idea of giving families more educational choices might sound appealing, the reality is that this bill threatens the quality and stability of our public schools—especially in rural areas like Kidder County.

1. Diverting Funds from Public Schools and Other Vital Areas

Public schools are the backbone of our communities, particularly in rural areas where we don't have private school options nearby. Senate Bill 2400 would take funds away from our public schools to support private education, but the majority of families in Kidder County won't even have access to these alternatives.

Our school district operates on a careful budget, and losing state funding—no matter how small it might seem—means cutting essential programs, increasing class sizes, or reducing staff. This bill threatens to undermine the resources we rely on to provide a quality education for *all* students in our district.

The argument may be made that these funds may not go to public education anyway, as it was last year in HB 1532 on the House floor, and that was “only” \$24 million. Though that may be true, the fact is that a minimum \$120 million will be diverted from somewhere. Whether that be from public schools, child protection services, roads and bridges or ambulance and law enforcement services, there will be \$120 million less to distribute.

2. Lack of Oversight and Accountability

Public schools are held to high standards. We're accountable to the community, the state, and most importantly, to our students. We follow strict guidelines for curriculum, teacher certification, and student performance. Through various laws this body has created, we live in a world where transparency occurs every day. However, SB 2400 does not require private schools or educational providers receiving ESA funds to meet the same

standards, and has very little transparency. If being held accountable and transparency on how we operate aren't important, then I challenge you to remove all of our accountability and transparency rules, such as open records and open meetings regulations.

Without clear oversight, there's no guarantee that taxpayer dollars will be spent on quality education. Public funds should come with public accountability, and this bill simply doesn't ensure that.

3. Unfair to Rural Communities

In Kidder County, and many other rural areas across North Dakota, families don't have access to private schools or alternative education providers. This bill creates a system where families in larger cities may benefit, while rural communities are left behind with fewer resources and no real "choice."

Our public schools are not just educational institutions—they are community hubs. When public schools suffer, the whole community feels the impact. Senate Bill 2400 would widen the gap between urban and rural education, making it even harder for rural schools like ours to provide the opportunities our students deserve.

4. Fiscal Responsibility and Long-Term Impact

Senate Bill 2400 is not a fiscally responsible solution. The *minimum* estimated cost of this program is \$120 million, a substantial amount that will be diverted from our public education system. Once ESA programs are introduced, they tend to expand over time, leading to even more state funds being redirected from public schools.

Since North Dakota seems to be a follower of other states in this area, I would expect that if public monies can be used to pay for private school tuition, you will soon see significant increases to private school tuition. According to "The Hechinger Report" article of 2023 entitled "Arizona gave families public money for private schools. Then private schools raised tuition", it cited that after Arizona provided public dollars to attend private schools, nearly half of private schools increased their tuition by over 10%.

This financial strain could force future cuts to essential services or require higher taxes to make up the difference. Other states that have implemented similar programs have not seen consistent improvements in student outcomes. We should not risk the stability of our public education system for a program that lacks clear, proven benefits.

Conclusion

As a school leader, my priority is ensuring every student in Kidder County has access to a quality education. Senate Bill 2400 jeopardizes that by diverting funds from our public schools, reducing accountability, and creating inequities between urban and rural communities—all at a *minimum* cost of \$120 million to North Dakota taxpayers.

I strongly urge you to oppose Senate Bill 2400. Thank you for your time.

Testimony in Support of Senate Bill 2400

Chairman Beard and members of the Senate Education Committee,

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

I am here to testify in support of Senate Bill 2400 and respectfully request that you render a “DO PASS” on this bill.

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

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

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

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

Thank you all for your time.

Dear Senate Education Committee members,

My name is Zach Raknerud of Minot. I am writing to urge a **DO NOT PASS** recommendation on SB 2400. North Dakota has a long and proud history of supporting our students in the public school system. As other states have experimented with sending public dollars to non-public school tuition, North Dakota has resisted that temptation. Our schools have been made better by that choice. Our state has many extremely rural communities supported by our public schools. SB 2400 would put that commitment at risk.

As you know, we have limited resources in the state budget. Each dollar committed away from our public schools' mission is a vital resource that could be removed altogether. Indeed, there are ways we should support our families with expenses that come from an excellent education. Still, we must be highly cautious when leaping to allow public dollars to go directly to the tuition of non-public schools. This is an extremely serious line to cross for our state, and I urge caution to this committee in considering the impacts such a decision would have.

While families in our larger cities with access to private schools may be asking you to support this legislation, we must remember this is not afforded to vast areas of our sprawling state. Having grown up in Northwood, which shares a county with Grand Forks, I am deeply concerned about legislation like this and how it would impact our rural schools, especially those that share funding channels with districts that would send our tax dollars to private school tuition. Please vote to give SB 2400 a **DO NOT PASS** recommendation.

Respectfully,
Zach Raknerud
Minot, ND



Dr. Terry Brenner
Superintendent of Schools

Phone: 701.787.4880
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February 4, 2025

Dear North Dakota Legislators:

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

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

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

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

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

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

Professionally,

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



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To whom it may concern,

I am writing to express my strong opposition to SB 2400, which is currently under consideration by the committee. As a concerned life-long North Dakota resident, the current Board President of District 1 (Grand Forks Public Schools), and a firm believer in the strength of our public education system, I urge you to recommend a DO NOT PASS on this legislation. The legislation in question seeks to divert crucial funds from public schools by implementing a voucher system.

Key Concerns Regarding the Voucher System:

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

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

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

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

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

Best regards,

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

RE: SB 2400

Dear Members of the Senate Education Committee,

As a longtime resident of North Dakota, I am concerned about the impact that SB 2400 will have on our public school system. I moved to North Dakota from Utah, where the public schools are crowded, class sizes are large, and while overall funding is high, per capita funding is low. I've *stayed* in North Dakota for the K-12 system that my four children have thrived in.

SB 2400 takes resources away from the public K-12 system and puts those resources into private schools that do not have the same requirements for equitable access and enrollment, accountability standards, or local governance.

SB 2400 fails to recognize the landscape of North Dakota and the lack of private educational options in rural areas. Rural communities and families in our state will receive absolutely no benefit from this bill as there are no private or parochial nonpublic schools located in the majority of North Dakota counties. In fact, only about a third of the state's residents have access to private schools.

This bill takes resources from the state's many public schools to support private choices including those that may not be accredited or even lead to a high school diploma. Private schools are also not required to have equitable enrollment policies and standards. State funds should not be used for these purposes. Furthermore, similar programs have produced significant funding deficits in other states. The bill is short-sighted in this regard and fiscally irresponsible.

I've also heard, in discussion with local school board members and teachers, that the bill presents a "double whammy" in the funding formula... public schools will lose dollars both in terms of the voucher (aka "education savings account") but also in per pupil funding.

I strongly urge you to vote "no" on SB 2400.

Thank you for your consideration,

Daphne Pedersen

Grand Forks, ND

Good morning, Chairman Beard and members of the Senate Education Committee. My name is Brenda Wiesner, and I appreciate the opportunity to speak in support of Senate Bill 2400. I would also like to extend my gratitude to Senator Axtman for sharing a copy of this important legislation with me. Having had the chance to review it, this Bill raises an important opportunity to discuss the need for a robust partnership between public and nonpublic schools for the benefit of students with special needs.

I understand that this Committee has heard testimony over the past 2 days regarding several school choice bills. Before I begin, I want to clarify my position: I do not believe public education is inferior to private education. My intent today is not to advocate for universal school choice but to highlight the specific needs and considerations of special needs students - particularly those whose behavioral and academic requirements surpass the resources available within the public education system. These students are in a unique position to benefit from school choice legislation.

My upbringing was shaped by my parents' involvement in a fundamentalist religious movement that opted out of public education in favor of homeschooling with a limited curriculum. I was determined to pursue higher education when I left this high-control environment at 23. I obtained my Associate of Applied Science (AAS) Degree in Nursing from Lake Region State College in Devils Lake, North Dakota. I received a Bachelor of Science in Nursing (BSN) before commissioning as an officer and Intensive Care registered nurse in the U.S. Air Force. Upon separation from active-duty service, I obtained a Master of Business Administration (MBA) specializing in project management. I returned to North Dakota to work in a strategic and operational planning capacity for the Fargo VA Health Care System. I am a full-time student again, working on my Master of Nursing (MSN) as a Psychiatric Mental Health Nurse Practitioner (PMHNP). In addition to my studies, I also serve as an adjunct Nursing Instructor for Lake Region State College, where I can share my knowledge and experience with the next generation of nurses. Education is important to me. It drives economic growth, enhances community well-being, and prepares future generations for success.

Having missed out on a K-12 public education, I was thrilled to enroll my daughter, Quinn, in the West Fargo School District. Quinn is a complex child diagnosed with autism spectrum disorder (ASD), attention-deficit/hyperactivity disorder (ADHD), anxiety, depression, an unspecified mood disorder, and hyperlexia. Since the age of three, she has required extensive support, including speech therapy, occupational therapy, and applied behavior analysis (ABA) therapy at Full Circle Pediatric Solutions. Although she participated in the public early childhood special education (ECSE) program and later transferred to Brooks Harbor for kindergarten and first grade, Quinn struggled to thrive in the public school environment. Ultimately, the decision was made to transfer her to a specialized learning center (SLC) at Willow Park, where her peers were 5th and 6th graders who also had significant behavioral challenges. Unfortunately, this led to escalated problem behaviors on Quinn's part, resulting in a lack of measurable academic gains and multiple suspensions from school. Her teacher reported Quinn was engaging in problem behavior 90% of her day and was tolerating adult-led instruction for less than 30-second intervals.

When my need to leave my full-time job arose to care for Quinn due to multiple suspensions, we began exploring alternative educational options. Despite 1:1 paraprofessional support, Quinn was imitating the problematic behaviors of her peers, which often manifested as aggression and violence toward others, and she was making no measurable academic gains. The only viable private education option in Fargo for a child with complex special needs was Full Circle Academy (FCA), a nonprofit 501(c)(3) private school recognized by the North Dakota Department of Public Instruction. Founded in 2020, FCA is dedicated to serving K-5 special needs children who require individualized support for their behavioral and academic needs.

FCA welcomed Quinn as a student, but the parents' portion of the annual tuition of over \$15,000 presented us with a significant financial challenge. During her Individualized Education Program (IEP) meeting, we learned that our options were limited: either pay out of pocket or pursue legal action against the school district to cover her tuition. We opted not to take the due process route, as we wanted to maintain a collaborative relationship with the supportive team that had worked with Quinn.

In August of 2023, we enrolled Quinn as a student in FCA. She began receiving educational ABA services to support behavior reduction and skill acquisition that was impeding her academic progress. In addition to her academic ABA, she received behavior rehabilitation services, skilled OT, and SLP. In the private school setting, Quinn's special education teacher (SPED-T) and her Board-Certified Behavioral Analyst (BCBA) work together to conduct functional behavior assessments to identify the underlying causes of Quinn's problem behaviors. Together, they create an individualized behavior intervention plan (BIP) that outlines strategies and techniques to address and reduce problem behaviors, promote positive behavior, and enhance learning outcomes. Quinn's BCBA works directly with her in the private school setting for 3 hours weekly. This 1:1 interaction helps her BCBA to develop targeted interventions that reduce problem behavior and promote skill acquisition and learning.

In contrast, a BCBA in the public education setting supports hundreds, if not thousands, of students, precluding them from providing direct 1:1 observation on a routine basis. Quinn is supported by 1:1 staff at all times. Every staff member who supports Quinn has completed specific training in ABA. Instead of being supported by paraprofessionals whose training varies widely, Quinn is supported by Registered Behavior Technicians (RBTs) who are certified in ABA therapy. While paraprofessionals address broader educational needs, supporting student learning and engagement across various subjects and activities, RBTs focus specifically on behavior intervention and support, using ABA techniques to modify behavior and improve learning outcomes.

The differences in behavioral and academic support in public versus private settings may appear subtle, but they have profoundly impacted our family. Since attending FCA, Quinn has thrived in an environment where her behavioral intervention plan and curriculum are tailored to her specific needs. Her problem behaviors have decreased to less than 10% of her day, and she can now engage in adult-led instruction for longer periods. She recently completed her first standardized testing, showing she is about a full grade behind but has demonstrated measurable academic gains. We are optimistic that she will close this gap over the next year.

FCA is uniquely equipped to help Quinn develop social skills and apply them in community settings. Unlike her time in public education, where she was restricted to a single SLC room for safety reasons, FCA offers access to a shared classroom, individualized instruction, and participation in daily community outings. Quinn has practiced her social skills in various environments, including music classes, art, swimming, Taekwondo, and equine-assisted learning. These experiences have helped her develop coping strategies and problem-solving skills, improving her overall behavior and learning. I have also been able to return to the workforce since FCA does not suspend children for behavioral issues, a significant factor in our financial planning as we navigate private school expenses. We hope that by 5th grade, Quinn will no longer require the intensive support she currently receives, and she will have acquired the behavioral and academic skills needed to reintegrate into the public school system.

Senate Bill No. 2400 establishes an education savings account (ESA) program in North Dakota, allowing eligible students to use funds for qualified educational expenses at nonpublic schools or approved educational services. This option can provide invaluable support for special needs children who require alternatives beyond public education. Access to funding for needed services could alleviate the current pressures on public schools, such as teacher recruitment and retention challenges, burnout, paraprofessional shortage, student aggression and violence, and disruptive learning environments.

While the public school system excels at providing a free, fair education for many, some children have complex needs and behavioral and academic challenges that exceed available resources. In these cases, an ESA program could ensure that special needs children have access to private education settings with specialized staff prepared to address their challenges, ultimately improving outcomes for special needs children and easing the strain on public education.

In full transparency, as presented, this Bill would not make a significant financial difference for our family due to the means-testing component. The funding would cover less than 7% of our out-of-pocket tuition expenses. I urge the Committee to consider means-testing exemptions in future legislation for families of special needs children who have earnestly attempted public education and are enrolled in one of the North Dakota Medicaid waiver programs due to their child's disability. I also advocate for future legislation that holds private health insurance companies responsible to help cover the cost of educational ABA in both public and private settings.

Senate Bill No. 2400 may not be a perfect solution, but it represents a vital step forward. I urge you to consider supporting this bill as we work to strengthen and develop public-private partnerships for education in North Dakota. The issue of school choice for complex, special needs children demands our attention, and together, we can create brighter futures for these students and their families.

Thank you for your time. I welcome any questions you may have.

Brenda Wiesner

Brenda Wiesner, MBA, BSN
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02/04/2025

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

Subject: Testimony in Opposition to House Bill 2400

Dear Members of the House Education Committee,

I am writing to express my strong opposition to House Bill 2400, which proposes the allocation of public funds to private education. As a North Dakota resident and advocate for equitable education, I urge you to consider the significant consequences this bill would have on our public school system and rural communities.

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

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

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

I urge you to uphold the integrity of North Dakota's public education system by opposing House Bill 2400. Our state's priority should be strengthening public schools so that every child, in every community, has access to a well-funded, high-quality education.
Thank you for your time and consideration.

Sincerely,

Jessica Nolz
Special Education Teacher

February 4th 2025

Senate Education Committee

Chairman Senator Beard, Respected Committee Members

I am submitting testimony in opposition to SB 2400, Educational Spending Accounts.

My name is Paula Moch. I am a lifelong North Dakota Resident. I grew up in Bismarck, attended Public Schools.

I appreciate the time you are taking to read this testimony, so I am going to try to be brief.

I feel that the people in the state of ND voted OVERWHELMINGLY against public funds to private institutions when they voted against Bartlett and Heitkamp as head of ND Department of Public Instruction. Current polls indicate that there is not support for public funds to private schools. As the people of ND want tax reform, they are not looking for ways to spend more funds.

I currently live in Rural North Dakota. I am an hour from Bismarck, the closest private school. I have friends who live 90 minutes to over two hours away from a private school. Attended private school is not an option for many rural residents.

Public Dollars belong in Public Schools.

The issue that I have with this ESA program, as outlined here is all the disparity. The “unfairness”, the inequality of this bill. Instead of a straight across the board EQUAL amount for each student, it varies. From \$4000 to private school students to \$1000 to home school students and public school students. Why the difference, why does a public school student get only \$1000 while a private school student can get up to \$4000?

If the goal is to provide educational relief to families, provide free school meals. This is equal for all, each kid gets the same benefit.

Lastly, I feel that this bill is a conflict of interest for many people, maybe some on this committee, as it will directly benefit them the most. If there are Legislators who have children in private schools, they have a conflict of interest and should excuse themselves from voting on the bill.

Thank you for your time

Paula Moch

Testimony in Opposition to SB2400

Submitted by Sandy Hansen, resident of Barnes County, ND

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

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

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

PLEASE VOTE NO ON SB2400. Thank you.

Testimony on Senate Bill 2400

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

SB 2400

Chairman Beard and Members of the Senate Education Committee, my name is Shane Goettle, and I represent the State Association of Nonpublic Schools. I am honored to provide this testimony in support of Senate Bill 2400. This legislation is a bold and necessary step toward expanding educational opportunities and ensuring that families in North Dakota have the ability to choose the best educational path for their children.

SB 2400 establishes a robust and sustainable Education Savings Account (ESA) program, making high-quality education more accessible, flexible, and responsive to the diverse needs of North Dakota students. This bill represents a comprehensive school choice initiative for our state.

Strengthening Educational Choice and Parental Rights

As we consider the future of education in North Dakota, SB 2400 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 2400 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, emphasizing the importance of public education as a foundation for democracy.
 - **Section 2:** Mandates a uniform system of free public schools, extending through higher education, but explicitly allows for tuition, fees, and service charges to assist in financing higher education.
 - **Section 3:** Requires that all schools provide instruction on civic virtues such as truthfulness, public spirit, and respect for labor.

- **Section 4:** Grants the legislature broad authority beyond public schools, stating that it must take additional steps to prevent illiteracy, ensure uniformity in education, and promote industrial, scientific, and agricultural improvements.
 - **Section 5:** Limits funding raised specifically for public schools from being allocated to sectarian schools but does not apply to general state funding.
- **Section 4 and Its Legislative Authority Beyond Public Schools:**
 - Sections 1, 2, and 3 focus exclusively on public education, specifically the establishment, maintenance, and governance of the public school system, ensuring free public education and directing state resources toward public schools.
 - However, Section 4 shifts the focus from public schools alone to broader educational responsibilities, instructing the legislature to take any necessary steps to improve literacy, standardize education, and support scientific, industrial, and agricultural progress.
 - This section does not limit legislative action to public schools alone but rather affirms the Legislature's responsibility to improve education as a whole, including through nonpublic schools.
 - This section grants the legislature the authority to promote education broadly, including funding initiatives beyond public schools, such as parental choice programs, nonpublic school support, and specialized learning initiatives.
 - By authorizing the legislature to address educational needs beyond the strict confines of the public school system, Section 4 provides clear constitutional justification for policies like the Bill you have before you.
- **Article VIII, Section 5, and the Limits of Its Application:**
 - This section states that *"No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school."*
 - However, it is critical to recognize that this applies only to funds specifically raised for public schools, such as local property taxes and state-allocated funds ("school lands") earmarked for public education.
 - General state funds, such as the general fund, strategic investment and improvement funds, or legacy fund earnings, are not subject to this restriction and may be lawfully allocated to support parental choice initiatives.
- **Legal Precedents Supporting the Constitutionality of Parental Choice:**
 - The language prohibiting certain public funds from finding their way to a "sectarian school" has its origin in the series of "Blaine Amendments" which were state constitutional language required of several states who entered the Union in the late 1800s.
 - The federal Blaine Amendment, a late 19th-century provision, was introduced as an effort to prohibit public funds from being used for religious education. Though this attempt at a federal constitutional amendment failed, many states, including North Dakota, incorporated similar provisions into their constitutions. These

provisions were largely driven by religious discrimination rather than neutral funding policies. Over time, legal challenges have significantly weakened the enforceability of these amendments.

- The U.S. Supreme Court has ruled that excluding religious schools from generally available public benefits violates the Free Exercise Clause of the First Amendment.
- *Espinoza v. Montana Department of Revenue* (2020): The U.S. Supreme Court ruled that a state cannot exclude religious schools from generally available public benefits simply because they are religious in nature. Montana's attempt to prohibit religious schools from receiving funds under a tax credit scholarship program was deemed unconstitutional under the Free Exercise Clause of the First Amendment.
- *Carson v. Makin* (2022): The Court expanded on *Espinoza*, ruling that if a state provides a public benefit program that includes private education options, it cannot prohibit funds from being used for religious schools solely based on their religious identity.
- *Pierce v. Society of Sisters* (1925): This landmark case affirmed that parents, not the state, have the fundamental right to direct the education of their children, reinforcing the validity of school choice initiatives.
- **North Dakota Attorney General's Opinion 2022-L-07** made it clear that the Blaine Amendment language in the North Dakota's constitution is unenforceable under federal law. The opinion affirmed that state policies must align with U.S. Supreme Court rulings, which have struck down state attempts to exclude religious schools from generally available public benefits. While the opinion addressed teacher support grants, its broader legal implication is that state restrictions based on religious affiliation cannot be upheld where they contradict federal constitutional protections.

Accountability of Nonpublic Schools

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

- **North Dakota has some of the strictest nonpublic school regulations in the country:**
 - North Dakota is one of only two states in the nation where nonpublic schools must meet approval requirements identical to public schools.
 - It is the only state that requires all nonpublic schoolteachers to be state-certified, ensuring that students receive high-quality instruction.
 - **SOURCE:** See attached "*Regulation of Nonpublic Schools*" and "*How does North Dakota rank in its treatment of nonpublic schools?*"
- **Nonpublic schools must adhere to extensive state regulations, including:**
 - Approval by the North Dakota Department of Public Instruction to operate any elementary or secondary nonpublic school. *N.D. Cent. Code §15.1-06-06*.
 - Mandatory teacher certification. *N.D. Cent. Code §15.1-18-07, -08, & -09*.
 - Same length of school year and days. *N.D. Cent. Code §15.1-06-04 (sections 3 and 6)*.

- Meet state curriculum standards. *N.D. Cent. Code §§15.1-21-01 & -02, 15.1-21-02, §15.1-21-24*
- Compliance with health and safety codes applicable to all educational institutions. *N.D. Cent. Code §§15.1-06-10, 23-07-16, 15.1-06-12, 15.1-18.2-04, 15.1-19-22.3.*
- **Nonpublic schools are directly accountable to parents.** Unlike public schools, which assign students based on geography, nonpublic schools must continuously earn parental trust and enrollment through academic quality, transparency, and student success.

Conclusion

SB 2400 represents a transformational change in North Dakota’s education system. It is comprehensive, responsible, and necessary to ensure all students—regardless of their background—have access to the best educational opportunities possible.

This bill offers a lifeline to families who need alternative educational options, ensures fair funding for nonpublic students, and creates a stronger, more competitive education system for the future of our state.

I strongly urge the committee to give full consideration to Senate Bill 2400. This is a bill that will truly make a difference for students, families, and North Dakota’s future.

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

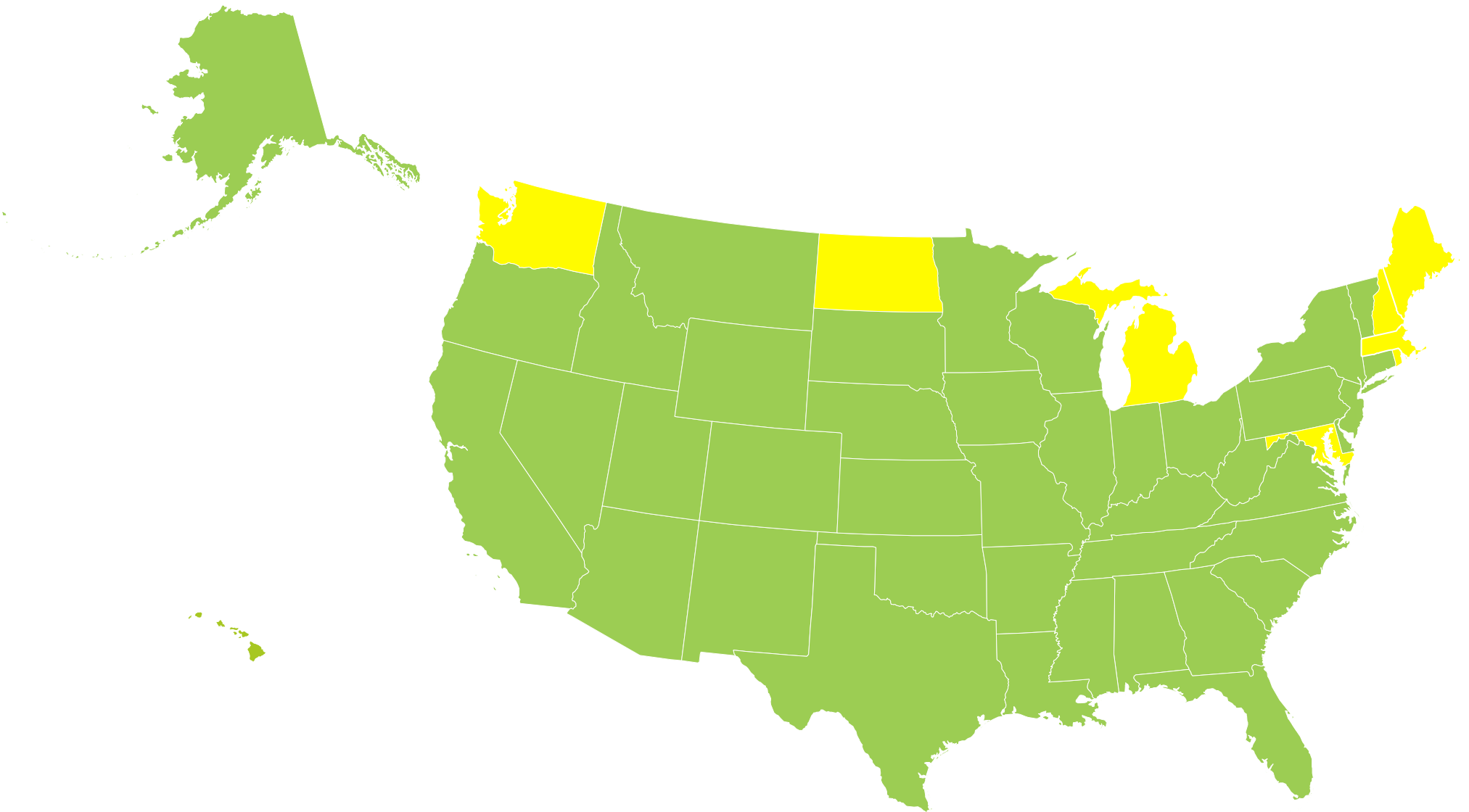
Only one of those Two States Requires Nonpublic School Teachers to be Licensed by the State

North Dakota

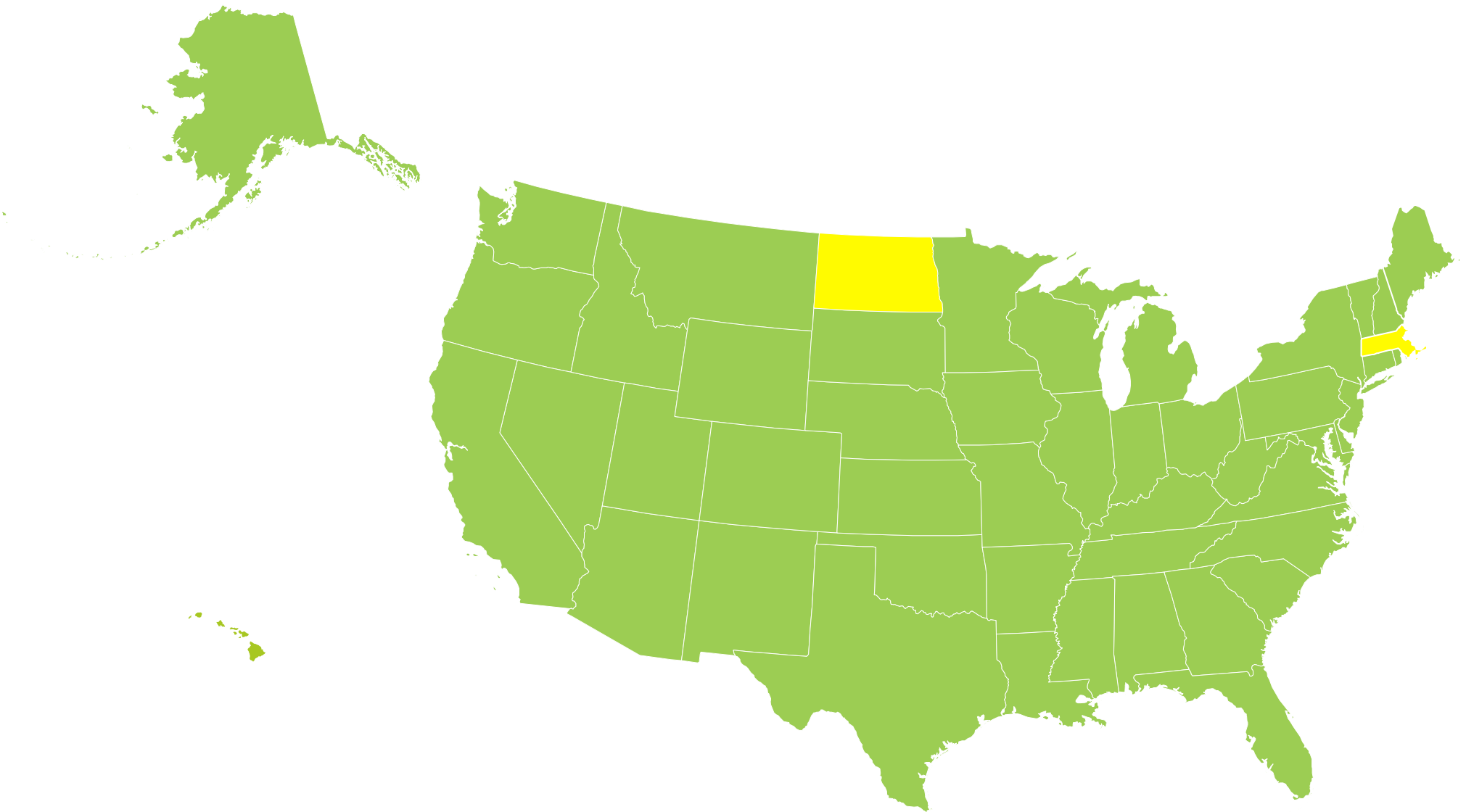
This leaves North Dakota as the only state in the nation that mandates both state approval for nonpublic schools identical to that for public schools and state licensed teachers in nonpublic schools.

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

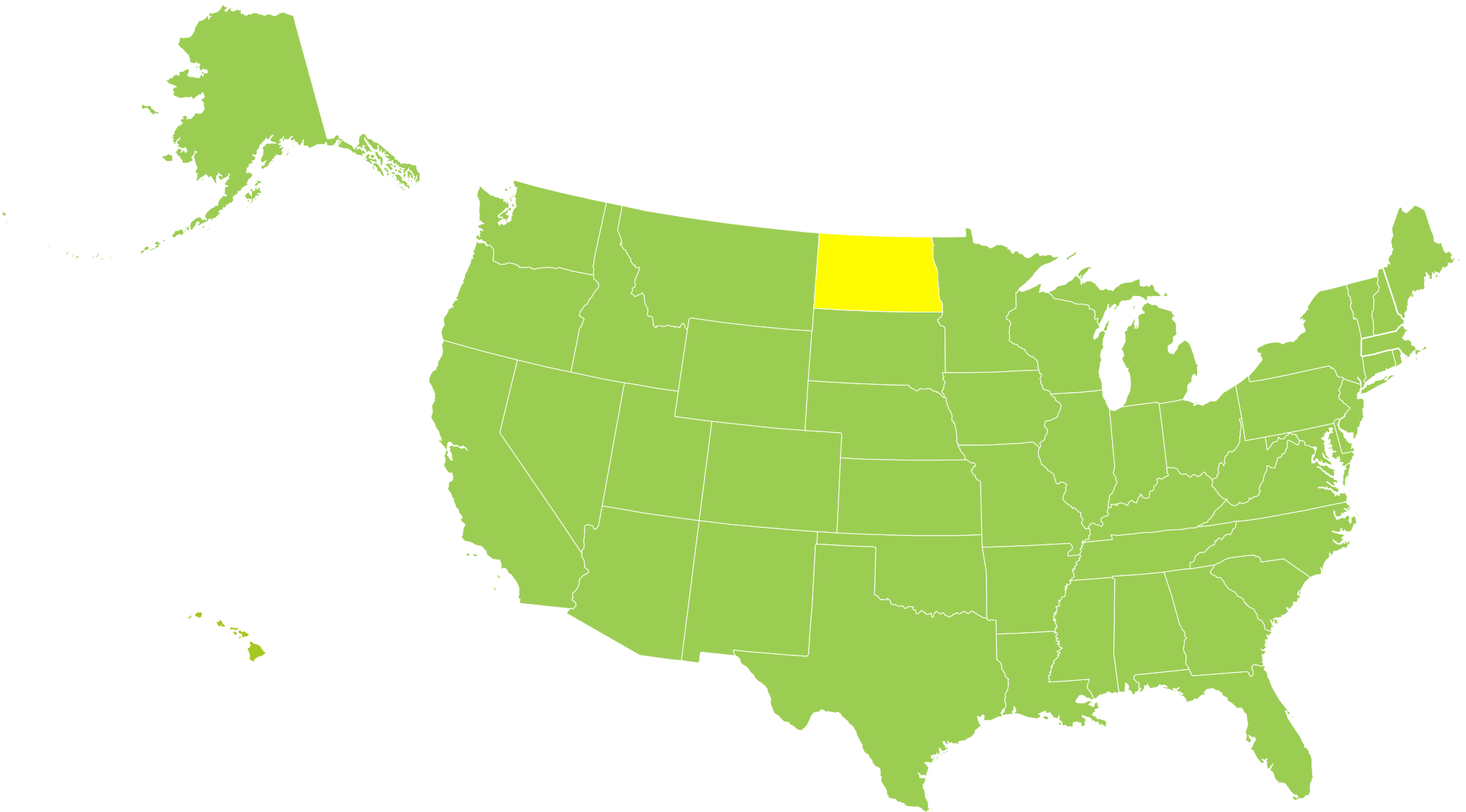
How does North Dakota rank in its treatment of nonpublic schools?



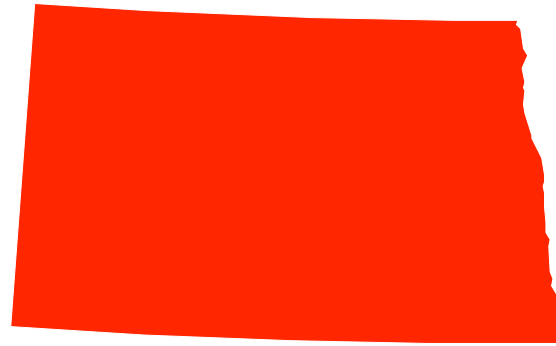
Only eight states require state approval of all nonpublic schools.



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.

To members of the Senate Education committee:

I am a public school teacher in Minot, North Dakota. I have been in education for over 15 years, having taught in North Dakota for 12 years. I have taught in class B schools in western North Dakota and currently in Minot for several years. I have taught both special education and in general education.

I share this information because this particular bill, if passed, would have a devastating impact on schools, both urban and rural. It would take public money and divert it to families for various educational needs or wants, including private tuition. A large majority of families who attend private schools already have money to attend that school. Those schools are not subject to the same criteria and accountability that public schools are. If they were and they had to accept any and all students who applied, it would be a different conversation. However, this bill does not address that fact.

Typically, any change in funding public education hits rural schools harder than urban schools. Taking money out of the general fund would create a scenario in which the Legislature would have to use even more money in order to cover those costs and the local and county municipalities would have to raise property taxes in order to simply provide that essential service of education.

So, I strongly oppose this bill and ANY bill which attempts to use public funds for private schools. Private schools have their own accountability systems, to their credit, but do not have to educate all children. They are not held to the same standard of education that a public school is and thus should not get public dollars.

Oppose Voucher Bills Protect Public Education

Senate Public Education Hearing

Dear Senators:

I am writing to urge you to oppose the six bills that would use public dollars to fund private schools. (HB 1540, HB 1590, HB 1607, SB 2295, SB 2303, SB 2400)

These bills threaten 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 these bills are called education savings accounts, scholarship programs, or otherwise if they divert public dollars to private schools, they are vouchers. North Dakotans have consistently opposed voucher programs, and we 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.

John attended McKinley Elementary, Ben Franklin and Oak Grove back in the '70s and Our two sons attended Longfellow Elementary and Oak Grove Lutheran School more recently. One of our sons also took Welding classes from North High School as an OG student. We believe that the families should be willing to pay to send their kids to private schools, most private schools have plenty of scholarships. We feel a dedication to the local schools and keeping public schools strong. We dont know that we would encourage another generation of our family to go Private.

I strongly urge you to vote NO on these voucher bills and to stand with North Dakotas 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.

Sincerely,

John and Wanda Peterson

3537 Par St N Fargo, ND 58102-1234

wandaandjohnp83@aol.com

February 4, 2025

Members of the Committee,

My name is Johnna Varty, and I am honored to submit this testimony in support of Senate Bill 2400. As a former public school teacher and a mother whose children attend a private school, I have seen firsthand the importance of ensuring that every child has access to the best educational opportunities suited to their unique needs. I believe that parents should have the ability to choose the right educational environment for their children, whether that be a public, private, homeschool, or other alternative setting.

For many families, however, the ability to make these choices is often hindered by financial and logistical obstacles. While every child learns differently, and some thrive in non-public school settings, the reality is that many parents are unable to afford tuition, supplies, or other necessary resources that would allow them to pursue the best education for their children. This forces many families to settle for options that may not fully meet their child's academic, social, or developmental needs simply because they lack the financial means to choose otherwise.

Senate Bill 2400 would help address these barriers with an Education Savings Account (ESA) program, giving families the financial flexibility to select the educational setting that best supports their child's success. By allowing state-allocated funds to follow the student rather than being tied exclusively to the public school system, ESAs empower parents to make decisions that prioritize their child's education. These accounts could be used for tuition, educational therapies, curriculum materials, and other essential learning resources—ultimately providing greater access to high-quality education and ensuring that children are placed in the environments where they will thrive.

Education is not one-size-fits-all, and families should not be restricted in their ability to choose the best path for their children due to financial constraints. Senate Bill 2400 would provide parents with the opportunity to make meaningful educational choices, ensuring that every child has the chance to reach their fullest potential.

I respectfully urge you to support this bill and help provide families with the freedom to pursue the best possible education for their children.

Thank you for your time and consideration.

Johnna Varty

**Senate Education Committee
SB 2400 - Testimony in Opposition
February 4, 2025**

Members of the Senate Education Committee,

My name is Shannon Krueger and I am writing in opposition of SB 2400. I have worked in public education for nearly twenty years and have seen the effects of inadequate funding in every school I have had the privilege to work in. Whether it's a dying heating system, a building without enough classrooms, a shortage of supplies, or cuts to staffing, our communities' educational needs are never fully met. Public education needs every bit of funding available. Any amount diverted to private education is an increased shortage to an already strapped system.

I urge you to please vote NO on SB 2400.

Thank you.

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

ND Legislature
69th Assembly

RE: SB 2400

Though there are a few things about this bill and how it relates to the establishment of educational savings accounts (ESAs) that I appreciate, I am writing today in opposition of SB 2400.

First, I appreciate the clear delineation of what the ESA money can be used for though I think that several of the items could also apply to public school students. Second, I appreciate the tiered payments in accordance with income levels as it favors those facing financial obstacles to a non-public education and not just parents who want money for a choice they've already made and wish they didn't have to finance. Likewise, I think the \$1000 amount for home education is appropriate considering the affordability of home education. Lastly, I value the regulatory limits set forth on lines 12 through 14 on page six.

Thank you for those thoughtful considerations in writing this bill.

However, ESAs are a slippery slope that I and most other homeschoolers do not want to slide down. We have fought long and hard for the freedoms we have to educate our children without state oversight and without state interference.

I am the president of Tricity Home Educators Association serving 150 families which equates to about 475 students. We are not the only support group in the Bismarck area and not every homeschooling family is a member. The majority of homeschoolers with whom I have contact do not want state money because they've seen the regulations that quickly follow.

For example, this bill states that those attending participating schools will have to take standardized testing. Currently, homeschoolers can opt out of standardized testing and this bill is unclear whether homeschoolers will forfeit their opt-out upon taking state money.

Additionally lines 15 – 17 of page six are vague as to what regulations may be “necessary to enforce the requirements of” this program. Because the bill does not guarantee the rights of and protections for North Dakota homeschoolers, and is ominously vague as to what could be required later, I am suspect of the potential for government overreach into home education and honestly all non-public education.

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

Sincerely,
Kristy Rose

Milnor Public School District No. 2

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Milnor, North Dakota 58060-0369

Phone: 701-427-5237 | Fax: 701-427-5304

www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

1 Testimony in Opposition to SB 2400

2 **Presented by:** Dr. Chris Larson

3 **Superintendent, Milnor Public Schools**

4 **Member, Legislative Focus Group – North Dakota Council of Educational Leaders (NDCLE)**

5 February 5, 2025

6

7 Chair Beard members of the committee,

8 Thank you for the opportunity to testify today. My name is [Your Name], and I serve as the

9 Superintendent of Milnor Public Schools and as a member of the legislative focus group for the North

10 Dakota Council of Educational Leaders (NDCLE). I am here today to express **strong opposition to SB**

11 **2400**, as it raises serious concerns regarding **public school funding, constitutional integrity, and**

12 **equitable support for all students.**

13

14 1. SB 2400 Diverts Public Funds Away from Public Schools

15 North Dakota's **public schools educate over 90% of our students**, providing essential services such as:

16 • Special education services for students with disabilities.

17 • Student transportation.

18 • Mental health support and school counseling.

19 • Career and technical education programs.

20 Public schools serve **all students, regardless of ability, background, or financial means**. SB 2400

21 **redirects public funds away from these schools**, limiting resources for the vast majority of North

22 Dakota's children.

23 The bill appropriates **\$3 million** from the state's general fund, which could otherwise be used to

24 **increase teacher salaries, enhance classroom resources, or expand student support services**. Our

25 focus should be on strengthening public education, not diverting limited resources elsewhere.

26

27 2. SB 2400 Violates the North Dakota Constitution

28 North Dakota's Constitution is clear:

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1 • **Article VIII, Section 5 states:**

2 *“No money raised for the support of public schools shall be appropriated or used for the*
3 *support of any sectarian school.”*

4 • **Article X, Section 18 states:**

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

8 By creating an Education Savings Account (ESA) program that can be used for **nonpublic education**
9 **services**, SB 2400 **raises constitutional concerns** regarding the use of public funds. This **could lead to**
10 **legal challenges**, creating instability for education funding in the state.

12 **3. Unequal Funding for Students in Public vs. Nonpublic Settings**

13 SB 2400 creates an **imbalance in how students receive funding** based on where they attend school:

- 14 • Students in **public schools** receive only **\$1,000** in ESA funds.
15 • Students participating in **home education programs** also receive **\$1,000**, despite not attending a
16 publicly funded institution.
17 • Meanwhile, students attending **nonpublic schools** receive between **\$2,500 and \$4,000**—up to
18 **four times the amount public school students receive.**

19 This funding structure **prioritizes certain students over others** while drawing money from the same
20 public education funding source. **If public dollars are allocated for ESAs, they should be distributed**
21 **equitably** to ensure **all students receive fair and proportional support.**

23 **4. North Dakota Needs to Invest in Strengthening Public Schools, Not Undermining** 24 **Them**

25 Public education is the foundation of North Dakota’s workforce and economy. **The students in our**
26 **public schools today will be the teachers, nurses, engineers, and business leaders of tomorrow.**

27 Instead of diverting funds to alternative education models, the state should prioritize:

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- **Fully funding public schools** to ensure all students have access to high-quality learning environments.
- **Expanding career and technical education (CTE) programs** to prepare students for high-demand jobs.
- **Increasing support for student mental health services** to address rising needs in schools.

Every tax dollar allocated to education should support **schools that serve all students, not just a select few.**

The Precedent Problem: Unintended Consequences of Funding Religious Schools

A particularly concerning aspect of SB 2400 is its **long-term implications** for how public funds could be used to support religious education in North Dakota.

1. **State Support for Private Schools Must Be Neutral and Equitable**
 - If the state funds private religious schools, it must **do so without favoring one faith over another.**
 - SB 2400 **sets a precedent**—if public dollars can be used for private Christian schools today, they could just as easily be used for **schools affiliated with any other religion in the future.**
2. **This Bill Opens the Door to Unintended Consequences**
 - If passed, SB 2400 **could require the state to fund private schools of all religious backgrounds, including those that may not align with the values of the legislature or the general public.**
 - **Would the legislature be comfortable funding schools affiliated with non-traditional or controversial belief systems?**
 - Once public funds are allocated to **private** religious institutions, the **state cannot discriminate** in how those funds are distributed.
3. **Potential Legal and Constitutional Challenges**
 - Funding **only** certain religious schools while denying others could lead to **legal challenges on the grounds of religious discrimination.**
 - Courts have ruled that **if a state provides public funds to religious schools, it cannot exclude any religion without violating First Amendment protections.**
 - This could **force** the legislature to fund schools it may not intend to support.

Conclusion

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Theresa Wittich, Elementary Principal

1 SB 2400 **redirects critical education funding away from public schools, violates constitutional**
2 **provisions, and creates an unequal distribution of state funds.**

3 For these reasons, I urge this committee to **reject SB 2400.**

4 Respectfully submitted,

5

6 Dr. Chris Larson

7 Superintendent

8 Milnor Public School

9 Chris.larson@k12.nd.us

Hello Senate Education Committee,

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

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

I urge you to vote in favor of SB 2400.

Thank you for your service to the state of North Dakota and your time on SB 2400.

Thank you,

Michaela Larson



FULL CIRCLE ACADEMY
P: 701-478-0221
F: 701-478-0222

4215 31ST AVE S, SUITE A
FARGO, ND 58104

2/25/2025

Members of the Education Committee,

My name is Britney Bachmeier, and I live in West Fargo where my sisters and I are the co-founders of a pediatric therapy clinic and Full Circle Academy, a private nonprofit elementary school for students with special needs, approved by the Department of Public Instruction. Thank you for the opportunity to provide testimony and highlight how a robust school choice program can offer something unique to students and taxpayers. I am a School Psychologist and Board-Certified Behavior Analyst, previously worked as a Behavior Specialist in the public school, and continue to serve some of the most intense and complex students in the state. As a supporter of the public school system, I have nothing but respect for all public-school administrators, teachers, counselors, and related service providers, especially those who work in special education. I am writing to advocate for continued partnership between the public and private sectors; Senate Bill 2400 can be a step to make this more realistic for students with special needs.

It is well known that behavioral health needs are at an all-time high and administrators and teachers often cite student behavior as consuming substantial portions of their day and the primary factor for staff burn out. Since opening our clinic in 2019, we have been overwhelmed with the number of requests for contacted behavior support services. We push into public schools and support students in their general and/or special education classrooms. However, there are times when students engage in extremely unsafe behaviors towards themselves or others, and another option is necessary. Thus, we created Full Circle Academy and now offer a therapeutic educational setting with integrated special education, behavior support, and related therapies from highly trained professionals.

We have strong partnerships with the surrounding school districts, including those in rural areas. Districts can place students in our Academy whose needs exceed what can be met in the typical self-contained classroom, often with the intention of transitioning them back to their home school after teaching new skills and decreasing maladaptive behavior. Cost is the number one barrier to students accessing our Academy. As school choice options continue to be discussed, I encourage you to consider additional caveats for students with special needs. The cost of educating one of our students is substantially higher than that of a typical student and that should be reflected in the amount allocated to this population. If we can work together, school choice does not need to be private versus public and instead about each student having what they need to be successful.

If trained professionals in a private, therapeutic setting can serve students with the most significant needs, administrators and teachers will feel relief in the public schools, other students' learning won't be disrupted, parents won't have to quit their jobs due to their child being frequently suspended or expelled, and most importantly the child will make progress toward their goals. If additional funding is available, it would be more feasible for parents to choose to enroll their child privately in a therapeutic school, just like others may choose a faith-based school.

I encourage you to vote in favor of Senate Bill 2400, take a step toward making therapeutic options more accessible to those with unique learning needs, and continue to work together to improve educational support for our most vulnerable population.

Britney Bachmeier, Psy.S., NCSP, BCBA, LBA

Full Circle Academy

Co-Founder/Director

Email: bbachmeier@fcacademy.org

Phone: 701-478-0221

Fax: 701-478-0222

Senate Bill 2400
Senate Education Committee - Sen. Todd Beard, Chair
February 5, 2025
Testimony in Opposition to SB 2400

Chairman Beard and Members of the Senate Education Committee, I am Vicki Voldal Rosenau, a parent and resident of Valley City, ND. Thank you for this opportunity to offer my testimony in opposition to Senate Bill 2400.

At present, all 50 states are confronted with a presidential administration and a cabal of billionaires apparently committed to dismantling public education as we have known it. However, we in North Dakota need not concede defeat, because the public strongly rejects such an outcome. Overwhelmingly, we oppose taking public funds for private schooling.

If North Dakota voters are allowed to vote on a ballot measure calling for tax dollars to pay for private schooling, there is every reason to believe they/we will reject such a measure. A professional poll conducted last December has already revealed that fully 68 percent of ND voters oppose diverting public money to pay for tuition in privately-owned and operated schools. (The same poll also shows that 67 percent do support increased public-school spending.) [<https://www.minotdailynews.com/news/local-news/2025/01/poll-highlights-residents-legislative-expectations/>]

It is also instructive to note that voters in three other states expressed similar sentiments in the General Election just three months ago. "Voters in Colorado, Kentucky and Nebraska ...rejected ballot measures that would have instituted or expanded state support for parents to send their kids to private schools." [<https://northdakotamonitor.com/2024/11/16/3-states-blunt-school-choice-momentum/>]

SB 2400 does propose to divert public money--a great deal of it, in fact--to support private schools. Therefore, as part of that 68 percent, I am offering this testimony to call on this committee to either reject SB 2400, or completely overhaul it by removing any provisions for public funds to support the use of Education Savings Accounts for private schooling.

Fortunately, our state's public school system is an excellent one that is already geared-up to meet the challenges and requirements represented in the recent Presidential Executive Order. Working completely within our system of public schools, we can adopt a comprehensive plan providing all the required innovations and educational-choice initiatives referenced on Monday by State Supt. Baesler. Substantive, detailed testimonies heard by this committee in recent days have highlighted the innumerable educational-choice innovations already initiated within ND's network of public schools.

Chairman Beard and Committee Members, I urge you to reject any undermining of our public schools, and give SB 2400 a "Do Not Pass" recommendation.

Thank you for your consideration,
Vicki Voldal Rosenau
District 24

Testimony of Jeannie Nasers

Before the North Dakota Senate Education Committee on SB 2400

SUPPORT

February 5, 2025

Thank you, Chairman Beard, and members of the Senate Education Committee for providing the opportunity to submit written testimony in support of SB 2400. My name is Jeannie Nasers. I live in District 34, and I am a product of Catholic school education and a parent who has chosen to enroll my four children in Christ the King Catholic Montessori School.

I strongly support SB 2400, 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 2400 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 2400 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 SB 2400.

Sincerely,

Jeannie Nasers

Hello,

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

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

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

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

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

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

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

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

Catherine Benton

620 28th Ave S
Grand Forks ND 58201
701.412.7917

American for Prosperity North Dakota –SB 2400

Americans for Prosperity strongly supports educational choice.

We are in support of educational savings accounts; we urge you to improve the bill with the following:

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). ESA funding should be equal to the average state aid amount.

3. Opt-In Participation

- **Principle:** The ESA program should be voluntary for families and non-intrusive to private educational provide. 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.

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

1. Overly Harsh Accountability Measures

- **Issue:** Accountability measures that impose harsh penalties on ESA students should be avoided. ESAs are meant to provide options for families and strict accountability measures limit autonomy and creativity for students. Additionally, placing limiting, standardized accountability measures on ESA students sets ESA students up for failure if their curriculum does not align with the curriculum that the standardized tests and accountability measures were designed for.

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



Brandon Baumbach
Business Manager

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

Senators,

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


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

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

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

I urge you to oppose SB 2400 and instead focus on investing in public education—ensuring all students have access to high-quality teachers, well-equipped classrooms, and the support services they need to succeed. Strengthening our public schools should be our priority, not diverting funds to programs that primarily benefit a select few.

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

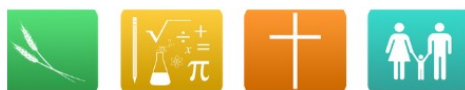
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North Dakota Home School Association

Serving Home Educators since 1985

SB 2400

No

Chairman Beard and Members of the Senate Education Committee,

I write on behalf of The North Dakota Home School Association (NDHSA) and once again reiterate we are **fundamentally opposed to public dollars funding home education.**

I do want to thank Senator Axtman for all the work she has done on this bill as well as meeting with me before the session with some of her thoughts. I do wish I could have seen the draft of the bill before it was filed and maybe could have given further input on our association's stance.

If the legislature truly wants to provide school choice in North Dakota I would encourage adding more options such as passing **SB 2241** which would allow for public charter schools. I would also encourage the committee to look at **HB 1472** dealing with the establishment of microschools. **These bills represent true choice.**

Homeschooling is a relatively inexpensive education option. Over my years of home educating my four children I never spent more than \$500 total unless one was enrolled in a dual credit college course. Granted, I have been done for awhile, but a lot of home school curriculum is in the form of non-consumables and so is used with subsequent children. Many of our state homeschool support groups have curriculum lending libraries and homeschoolers are regular patrons of our state's public libraries.

The NDHSA is the only statewide homeschool association and is responsible for all of the bills since 1985 which granted freedom to homeschool in our great state. It was not that many years ago that it was illegal. It would seem to be moving backward if we gave up some of those hard won freedoms just for a bit of help from the Government.

I am not sure if legislators are wanting to include home educators in these ESA bills to make them more equitable, but I do know it is frustrating every time we do bring a bill forward, and then hear that homeschoolers are always asking for money. Part of our strength has always been in the fact that we have never asked for a "piece of the pie."

Our fears of possible consequences of this bill:

-Inflated curriculum and services costs. Even if parents choose not to "opt in", these programs tend to drive the cost of curriculum and service up affecting all homeschoolers.

-Increased regulation of homeschools. Other state homeschool associations have been embroiled in fighting legislation since the passage of ESA's in their states

--Increased government spending. This will add more bureaucracy.

-The example of hospitals and Government programs such as Medicaid. These programs render all hospitals basically the same. Private schools and private home education would just become another form of public schools as they are funded by public dollars rather than private.

Please maintain private, parent led, parent funded home education as separate from any ESA legislation. If you need to create a new category of those who participate in these programs and school at home, do so but let us retain our autonomy by rendering a **“do not pass” as written.**

Thank you for listening!

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

February 4, 2025

Dear Member of the Senate Education Committee,

I am a resident of Grand Forks and a parent of two children currently enrolled in Grand Forks Public Schools. I am writing to you today to ask that you give SB2400 a DO NOT PASS recommendation in your committee and vote against this bill.

SB2400 would divert millions of public dollars into private schools. Public dollars are limited and public dollars should not go towards paying for the private school costs of privileged families. Private schools are not held to the same standards and accountability as public schools. Public schools are required to serve all children in our state. Private schools are not required to serve all children and may exclude students for any number of reasons.

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

In short, this bill is not a good use of public funds. I ask that you give SB2400 a DO NOT PASS recommendation out of committee..

Sincerely,

Liz Legerski
Grand Forks, ND



1 **Testimony in Opposition to House Bill 2400**

2 Chairperson and Members of the Committee...Thank you for the opportunity to testify today.
 3 We come in opposition to this bill due to its violation of our state's foundational commitment to
 4 public education, its detrimental impact on rural communities, and its misalignment with public
 5 sentiment regarding education funding priorities. While I do support the concept of an EQUAL
 6 ESA for all ND students to support families with extended services, when that includes non-
 7 public tuition as a reimbursable item, it steps outside of what we believe our forefathers
 8 intended. **We could support this bill for the most part with the removal the non-public**
 9 **tuition reimbursement as one of the options.** Think of how great that would be – take that one
 10 reimbursable item off the table and the tension ends. Everyone gets relief, we aren't in a
 11 constitutional struggle...I wonder meeting in the middle is a piece of the legislative process that
 12 we've lost in recent years – I hope this committee considers it again.

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

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

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

32 SB2400 disregards this constitutional commitment and sets a dangerous precedent that could
 33 erode the very principles upon which our public education system was built.

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

35 I've been working with the legislature since 2011 when I was at the NDUS office. Every session
 36 there have been attempts at funding private schools and every session the body has voted no.
 37 Why? I believe there are multiple reasons, but one big one is because public schools are the



heart of **North Dakota's rural communities**. They are not just places of learning but serve as hubs of civic engagement, economic stability, and community growth. Our **agricultural sector**, which plays a **leading role on the world stage**, depends on strong rural schools to educate the next generation of farmers, agribusiness leaders, and skilled workers. Diverting public funds away from these schools weakens the backbone of our **rural economy** and undermines our position as a global agricultural leader.

Rural school districts already face financial challenges, including declining enrollments and high operational costs. SB2400 would only **exacerbate these struggles**. **Every state that has gone down this route has eventually seen a decline in public school funding**. I'd hate to see this **force** rural schools to cut critical programs, consolidate schools, or even close their doors—leaving communities without essential educational services.

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

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

Accountability?

Public schools are accountable for every penny. All the way down to running to Walmart to buy poster board to hang in the classroom. I question if our ND patrons are really ok with spending likely well over \$120M + without that same accountability? I'd venture to say satisfaction would be higher to have that go toward property tax relief or meals for all students. Please consider that popular choice that brings us together rather than what divides us.

Conclusion

SB 2400 represents a **fundamental shift away** from our state's constitutional and historical commitment to public education. It threatens our **rural communities**, **diverts funds from our agricultural workforce**, and ignores **public priorities** that call for investment in **property tax relief and free student meals**—not private education subsidies. For these reasons, I strongly urge the committee to **reject** this bill and instead focus on **fully funding and strengthening North Dakota's public education system**, as our **founders intended and as our citizen's demand**.

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





*Great Public Schools**Great Public Service*

**Testimony Before the Senate Education Committee
SB 2400
February 5, 2024**

Chairman Beard and members of the Committee, I am Nick Archuleta, and I am the president of ND United. I rise today in opposition to SB 2400 and to encourage the Senate Education committee to issue a do not pass recommendation for this proposed legislation.

Members of the Committee, SB 2400 contains some very good ideas that deserve to be considered. ND United and, according to a recent survey, 76% of North Dakotans favor a mechanism by which parents with school aged children can access public dollars to enhance educational experiences like mental or behavioral health assistance, educational summer camps like the excellent International Music Camp, standardized test fees, education materials and services for students with disabilities, and other qualified educational expenses and experiences. If this were a stand-alone bill with a dedicated funding source, ND United would be in strong support.

Unfortunately, in addition to the exceptionally good things, SB 2400 allows for spending dollars raised for public education and other public purposes on private school tuition. We have seen what happens to public school finances in other states when public money is diverted to private schools. ND United has historically opposed voucher bills like SB 2400 that provide public funds for private school tuition because it makes it more difficult for North Dakota's great public schools to deliver on our promise and obligation to educate every child that walks, runs, rolls, or is carried through our schoolhouse doors.

Mr. Chairman and members of the Committee, I urge a ***do not pass*** recommendation for SB 2400.



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

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SB 2400

Testimony of Amy De Kok

Senate Education

February 5, 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 here to testify in opposition to SB2400, which proposes the establishment of an Education Savings Account (ESA) voucher program. While the bill claims to provide educational choices for families, it will ultimately divert critical public funds away from our public schools, which serve the vast majority of North Dakota's students, while lacking the accountability necessary to ensure responsible use of taxpayer dollars.

Diversion of Public Funds

Vouchers take on many different labels, often disguised under names such as "Opportunity Scholarships," "Tax Credit Scholarships," "Education Reimbursement Programs," "Tuition Tax Credits," "Education Empowerment Programs," and, in this case, "Education Savings Accounts." Despite their various names, all of these programs share a common outcome: diverting public funds away from public schools and other community resources to subsidize private schools, private entities, or homeschooling expenses. Regardless of terminology, the result is a weakening of the public education system and the reallocation of taxpayer dollars toward programs with little oversight or equitable access.

SB 2400 is a voucher program that directs taxpayer dollars to subsidize private and nonpublic education without sufficient oversight. The bill allows parents of eligible students to receive public funds for various educational expenses, including tuition at nonpublic schools, private tutoring, and other educational services. However, this program will likely disproportionately benefit families already paying for private education rather than expanding opportunities for low-income students. Data from several states show that 70-80% of voucher and ESA participants were already attending private schools before receiving public funds. This means that rather than creating new educational opportunities, the bill primarily subsidizes families who were already affording private education.

Even if we assume that SB 2400 will lead to more choice, public schools, which serve the overwhelming majority of North Dakota students, operate with significant fixed costs, including staffing, transportation, and infrastructure. Because students using ESAs will exit various schools, grades, and classrooms, districts cannot proportionally reduce expenses to offset the loss of funding. The result is increased strain on public schools, which are left to operate with fewer resources while still serving the most vulnerable student populations.

Research shows that states that enact voucher programs tend to funnel greater amounts of public dollars to these programs over time, instead of investing in their public schools. A report examining voucher programs in seven states from fiscal year 2008 through fiscal year 2019 found that each state dramatically increased its expenditure of public funds on voucher programs and also reduced efforts to fund public education. For example, Arizona increased voucher spending by 270 percent from 2008 to 2019 and decreased per-pupil public education funding by 5.7 percent during that time period. The state's ESA voucher program alone, which now has universal eligibility, is projected to cost over \$500 million this year.

Voucher programs like SB 2400 threaten vital funding for public schools but are not shown to improve student outcomes or promote student rights. By contrast, evidence-based and cost-effective strategies, such as increasing educators' pre-service training, expanding access to high-quality early childhood education, and improving wraparound services and enrichment opportunities, have been shown to increase student achievement. Furthermore, only public schools must welcome all students—no matter their background or personal characteristics—and provide the services and supports that allow them to access a constitutionally adequate education.

Lack of Accountability and Oversight

While SB 2400 includes some accountability provisions, such as requiring compliance with 42 U.S.C. 1981 (which addresses discrimination based on race), it lacks essential transparency and oversight measures for nonpublic schools receiving public funds. There is no clear requirement for these schools to submit audit reports to the state or to comply with open meetings and open records requirements, both of which are requirements for public schools. Ensuring transparency in how public funds are utilized is crucial, and any recipient of taxpayer money should be held to similar accountability standards. Additionally, the bill does not prevent nonpublic schools from selectively admitting students based on factors such as academic performance, special education needs, or other criteria that public schools must accommodate. This lack of inclusivity creates an imbalance where public schools are required to serve all students, while nonpublic institutions benefiting from public funds are not held to the same standards.

Similar programs in other states have been found to be vulnerable to fraud and mismanagement. Investigations into Florida's voucher system uncovered instances of schools hiring teachers without proper credentials and falsifying safety records. Arizona's Auditor General discovered that hundreds of thousands of public dollars meant for education were misused on fraudulent or inappropriate purchases. Without strong safeguards, North Dakota's taxpayers risk funding a program that lacks meaningful oversight and transparency.

Impact on Rural Communities

Rural school districts will likely bear the brunt of this legislation. Most rural communities in North Dakota do not have access to private schools, meaning students in these areas will have little to no opportunity to benefit from ESAs. However, these same communities will still suffer funding losses as state dollars are diverted away from their public schools to support ESA accounts. This could lead to staff layoffs, program cuts, and even school closures, weakening the education system in rural areas and exacerbating existing disparities.

Equity Concerns and Student Exclusion

Unlike public schools, private schools accepting ESA funds are not required to serve all students. Private institutions can refuse admission or limit services for students with disabilities, English learners, and other populations requiring additional resources. This creates an uneven playing field where public schools must continue to educate all students—often with fewer resources—while ESA-funded institutions can selectively admit students. Additionally, parents may return their children to public schools after discovering that private institutions do not provide the necessary support services, further burdening public schools without returning the funding that was initially diverted.

For the reasons outlined above, I strongly urge you to reject SB 2400. Instead of diverting funds to an ESA program that primarily benefits private institutions with little oversight, we should focus on strengthening our public schools to ensure that all North Dakota students—regardless of socioeconomic background or geographic location—receive a quality education.

Thank you for your time and consideration. I respectfully request that this testimony be entered into the record and given full consideration as you deliberate on SB 2400.

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 2400 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 2400. Thank you for your service to the state of North Dakota and your time on SB 2400.

Sincerely,
Dora Tschosik

**Testimony on
February 5, 2025, 10:00 A.M.
Senate Education Committee
Senator Beard, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of SB 2400

Good afternoon, Chairman Beard and Senate Education Committee Members.

My name is Marya Skaare. While this is largely a duplicate of my testimony for other education choice-related bills, I would be remiss if I didn't demonstrate my support for all legislation designed to support ND students, and for the legislative body to review all of the proposed legislation and determine the best course of action to achieve the desired outcome for all students. I am the current President of Trinity Catholic Schools in Dickinson and more importantly, I am a mom with my youngest now in her sophomore year of high school, so this bill is of great interest to me and could be of great impact to the families who entrust their children's education to our state's nonpublic schools or those who desire to do so, but haven't had the means to do so. Thank you for the opportunity share my testimony in support of school choice in North Dakota. Just off of National School Choice Week—which has been formally proclaimed in ND for the last eight years—as well as the 49th Annual Catholic Schools Week, the timing of this hearing could not be more providential. I especially appreciate Gov. Armstrong's comment in his School Choice Week proclamation that "citizens across the state of North Dakota agree that improving the quality of education remains a pressing concern for the state's leaders," and "every person deserves and recognizes the role of an effective education and the immeasurable value it adds to their development and growth." This sentiment is evident now more than ever with President Trump's recent executive order aimed at expanding educational freedom and opportunities for families. I am encouraged by the number of proposed bills this session geared toward helping families with education expenses related to their school age children. I stand today in support of SB 2400, but more so, I stand in

**Testimony on
February 5, 2025, 10:00 A.M.
Senate Education Committee
Senator Beard, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of SB 2400

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

**Testimony on
February 5, 2025, 10:00 A.M.
Senate Education Committee
Senator Beard, Chairman**

Marya J. Skaare, President, Trinity Catholic Schools

Affirmative Support of SB 2400

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

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

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



Contact:
Ryan Gregg, Lobbyist
rgregg@ndfu.org | 701-952-0104

**Testimony
of
Ryan
Gregg
North Dakota Farmers Union
Before the
Senate Education Committee
February 5, 2025**

Chairman Beard and members of the committee,

Thank you for the opportunity to testify on Senate Bill No. 2400. My name is Ryan Gregg, and I am submitting testimony on behalf of the North Dakota Farmers Union (NDFU). NDFU respectfully opposes SB 2400.

SB 2400 establishes a new Education Savings Account (ESA) Fund. The fund would provide \$1,000 to \$4,000 per student to cover the cost of qualified educational expenses. Those qualified expenses include tuition and fees for nonpublic education, textbooks and materials for education outside the traditional classroom, test fees, school meals and more.

NDFU's members do not support using ESAs to fund tuition at nonpublic schools. NDFU's member-driven Policy & Action states, "We are opposed to the public funding of private schools." Currently, there are only 60 private schools in North Dakota—located in just 17 counties¹, most of which are urban—while public schools serve 90% of the state's students, including most rural counties. Most rural students simply do not have access to private schools and rely on the strong public schools that are pillars of our rural communities.

We further believe any new ESA should provide equitable payments to students at public and nonpublic schools. The legislation provides up to \$4,000 per student for students attending nonpublic schools but only provides \$1,000 for students attending private schools. We believe that inequity undercuts rural students' access to the new educational opportunities the legislation seeks to create. Moreover, those additional educational opportunities are often more expensive for students to access due to travel costs and other factors.

For these reasons, we respectfully request a "Do Not Pass" recommendation on SB 2400. Thank you for your consideration.

¹North Dakota Department of Public Instruction. (n.d.). Data. <https://www.nd.gov/dpi/data>



February 5, 2025

SB 2400 — Neutral

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 with a neutral stance on SB 2400, which would create an education savings account (ESA) program in North Dakota.

American Experiment North Dakota supports school choice policies that expand the accessibility of educational options. The framework of SB 2400 seeks to give more North Dakota families the opportunity to access the learning environment and educational services that best meet their children's unique needs, and we believe it includes a number of strong features.

We also believe there are doable revisions that would strengthen the bill to help ensure it is substantial enough to significantly enhance educational opportunities for North Dakota families, particularly those from disadvantaged backgrounds.

First, we recommend increasing the ESA dollar amount made available to eligible students accessing a nonpublic participating school. If the dollar amount is not substantial enough to significantly enhance what families, particularly lower-income families, can access, it will not meaningfully break down accessibility and financial barriers.

Second, we recommend giving participating schools the option to administer either the state tests and assessments or nationally norm-referenced tests to encourage a dynamic marketplace of school options while still maintaining the bill's goal of academic accountability.

Finally, we recommend allowing unused dollars to rollover while the eligible student is participating in the ESA program. Students' educational needs change throughout their K-12 journey, and families should be able to adjust the pre-approved educational services they use their ESA on accordingly.

Thank you for your time and consideration of these proposed revisions and the opportunity to submit testimony.

Best,

A handwritten signature in blue ink that reads "Catrin Wigfall".

Catrin Wigfall
Policy Fellow
American Experiment North Dakota

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



Kidder County Public School District#1



High School Principal

Michael Wachter

Elementary Principal

Ryan Larson

Business Manager

Sonya Larson

Secretary

Darci Mittleider

RICHARD DIEGEL, Superintendent

Administrative Office

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Board of Education:

Jason Schmidt, President

Shawn Nix, Vice President

Jeff Schmidt, Director

Kip Haadem, Director

Jason Braun, Director

Hoyt Wagner, Director

Paula Moch, Director

Oppositional Testimony on Senate Bill 2400: Education Savings Accounts (ESAs)

My name is Shawn Nix, and I serve on the Kidder County School Board. This testimony is to voice my strong opposition to Senate Bill 2400, which proposes establishing Education Savings Accounts (ESAs) in North Dakota.

As a school board member, I see firsthand how every dollar impacts our students, teachers, and community. While the idea of giving families more educational choices might sound appealing, the reality is that this bill threatens the quality and stability of our public schools—especially in rural areas like Kidder County.

1. Diverting Funds from Public Schools and Other Vital Areas

Public schools are the backbone of our communities, particularly in rural areas where we don't have private school options nearby. Senate Bill 2400 would take funds away from our public schools to support private education, but the majority of families in Kidder County won't even have access to these alternatives.

Our school district operates on a careful budget, and losing state funding—no matter how small it might seem—means cutting essential programs, increasing class sizes, or reducing staff. This bill threatens to undermine the resources we rely on to provide a quality education for *all* students in our district.

The argument may be made that these funds may not go to public education anyway. Though that may be true, the fact is that a minimum \$120 million will be diverted from somewhere. Whether that be from public schools, child protection services, roads and bridges or ambulance and law enforcement services, there will be \$120 million less to distribute.

2. Lack of Oversight and Accountability

Public schools are held to high standards. We're accountable to the community, the state, and most importantly, to our students. We follow strict guidelines for curriculum, teacher certification, and student performance. However, SB 2400 does not require private schools or educational providers receiving ESA funds to meet the same standards.

Without clear oversight, there's no guarantee that taxpayer dollars will be spent on quality education. Public funds should come with public accountability, and this bill simply doesn't ensure that.

3. Unfair to Rural Communities

In Kidder County, and many other rural areas across North Dakota, families don't have access to private schools or alternative education providers. This bill creates a system where families in larger cities may benefit, while rural communities are left behind with fewer resources and no real "choice."

Our public schools are not just educational institutions—they are community hubs. When public schools suffer, the whole community feels the impact. Senate Bill 2400 would widen the gap between urban and rural education, making it even harder for rural schools like ours to provide the opportunities our students deserve.

4. Fiscal Responsibility and Long-Term Impact

Senate Bill 2400 is not a fiscally responsible solution. The *minimum* estimated cost of this program is \$120 million, a substantial amount that will be diverted from our public education system. Once ESA programs are introduced, they tend to expand over time, leading to even more state funds being redirected from public schools.

This financial strain could force future cuts to essential services or require higher taxes to make up the difference. Other states that have implemented similar programs have not seen consistent improvements in student outcomes. We should not risk the stability of our public education system for a program that lacks clear, proven benefits.

Conclusion

As a school board member, my priority is ensuring every student in Kidder County has access to a quality education. Senate Bill 2400 jeopardizes that by diverting funds from our public schools, reducing accountability, and creating inequities between urban and rural communities—all at a *minimum* cost of \$120 million to North Dakota taxpayers.

I strongly urge you to oppose Senate Bill 2400. Thank you for your time.

New Salem-Almont School District #49

PO Box 378 310 Elm Avenue. New Salem, North Dakota 58563

Phone: 701-843-7610 FAX: 701-843-7011

Brian Christopherson, Superintendent

Lauren Bennett, Elementary Principal

Annie Dukart, Business Manager

Austin John, Board President

Brian Olson, High School principal

"To ensure that each child achieves his/her full potential through student-centered practices."

Members of the Senate Education Committee:

I am writing to express my strong opposition to SB 2400, which redirects public funds into private schools with significantly less accountability and transparency compared to public institutions. As the Superintendent of New Salem-Almont School District, I am deeply concerned about the long-term consequences of diverting public tax dollars away from the majority of students who rely on public education.

Public schools in North Dakota serve approximately 90% of our student population and are funded primarily through property taxes. Redirecting these resources will only weaken our public school system, diminishing the quality of education for students of all backgrounds, abilities, and financial statuses. Unlike private schools, public schools are legally required to educate all students, ensuring equal access to learning opportunities.

Proponents argue that SB2400 bill promotes fairness. However, when students in public schools receive only \$1,000 while nonpublic school students can receive up to \$4,000, the funding structure is inequitable. Our state constitution is clear on this matter—Article VIII, Section 5 states: "No money raised for the support of public schools shall be appropriated or used for the support of any sectarian school." SB 2400 contradicts the constitution by channeling public funds into private institutions, potentially undermining the our public education system.

I urge you to oppose SB 2400 and to prioritize policies that strengthen, rather than weaken, public education in North Dakota. Ensuring that all students receive a quality education, regardless of their financial means or background, should remain our highest priority.

Thank you for your time and consideration.

Sincerely,

Brian Christopherson

Superintendent

New Salem-Almont School District

Chairman Heinert and House Education Committee Members,

My name is Kimberly Efta, and I am a resident of District 42 in Grand Forks (zip code 58203). I am a full-time real estate agent, and my husband, Deven, is a farmer. We are grateful to call North Dakota home and are raising our three children, ages 9, 8, and 6, here.

I am submitting this testimony in support of all school choice bills, as I firmly believe North Dakota needs to enact policies that allow parents to make the best educational decisions for their children. On February 4, I provided oral testimony in support of SB 2295, and I appreciate the opportunity to continue advocating for this issue today.

Both my husband and I were educated in public schools and had wonderful experiences. In fact, my family has long supported school choice. When I was in second grade at Unity Elementary in Petersburg, my parents fought for open enrollment in North Dakota. To ensure my older sisters could participate in extracurricular activities, they made the difficult decision to move our family more than 20 miles to Larimore. They traveled to Bismarck 19 times during the 1993 legislative session to advocate for open enrollment, and their commitment to our education left a lasting impression on me.

Decades later, we are still debating whether parents should have the right to choose the best school for their children. As a parent, I find it deeply concerning that public school district boundaries dictate where my child must attend school based solely on our home address. The recent Grand Forks Public Schools boundary map changes will force some children to switch schools, regardless of what may be best for their individual needs or proximity to their current school.

As a real estate agent, I have already received calls from homeowners who feel they have no choice but to sell their homes and move—simply to keep their children in their current school. This is a costly and unnecessary burden that could be avoided with expanded school choice policies.

There are also clear disparities between schools in Grand Forks. The highest-performing elementary schools—Kelly, Discovery, and Century—are located in wealthier neighborhoods, where the average sold home price in the past year was \$494,272. Meanwhile, in the north Grand Forks neighborhoods of the 58203 zip code, the average sold home price is \$226,693, and our assigned elementary school ranks 8th out of 11 in the district. Families should not have to buy a half-million-dollar home just to access a top-performing public school.

It is a complete misconception that only wealthy families choose private education. The reality is that many middle- and lower-income families also seek alternatives, but their options are limited. The current system creates an inequitable divide, where the wealthiest families have access to the best schools while lower-income families are left with fewer opportunities. No parent should be forced to uproot their family due to a school district's redrawn boundaries.

One example of an alternative option serving families of all socioeconomic backgrounds is St. Michael's School, a historic school in downtown Grand Forks, located in District 18—one of the state's lowest-income areas. The school building, over 100 years old, features classic early 20th-century architecture, a four-story brick exterior, and a creaking wooden staircase. The playground is a blacktop parking lot, yet despite its lack of a sprawling campus, St. Michael's provides a strong education and serves as a testament to the lasting importance of school choice in shaping communities.

I urge you to support school choice policies in North Dakota to ensure that all families—regardless of income or address—have access to the best possible education for their children.

Thank you for your time and consideration.

Kimberly Efta

District 42 Resident, Grand Forks, ND

To: Senate Education Committee Members

From: Patrick Graff
Director of Legislative Policy, American Federation for Children

Re: Support for SB2400

Date: February 5th, 2025

On behalf of the American Federation for Children, the country's largest school choice organization, I would like to express our support for SB2400 which would create and Education Savings Account program in North Dakota and bring school choice to the state.

As all parents and teachers know, even children in the same family can have very different educational needs. We believe the children of North Dakota deserve a wide variety of publicly funded educational opportunities. Thirty-one states in addition to Washington D.C. and Puerto Rico have a private school choice program. North Dakota is one of three states with a Republican trifecta that does not have a choice program. The other two – Texas and Idaho – are both poised to pass new programs this year. We are excited to see movement to create new opportunities for students in North Dakota as well this year.

SB 2400 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 broad menu of approved items from which they may customize their child's education to meet their needs, including the novel inclusion of mental health; 2) the bill includes strong academic and financial accountability measures; and 3) the bill contains protections for the autonomy of private schools and parents to direct the education of their students.

Finally, this ESA would be the first of its kind in the country regarding the public-school portion of \$1,000 per student. This truly opens up educational freedom to all students – giving public school students access to extra educational supports while also giving options to others to choose a private school if they so choose.

The children of North Dakota should be given the choices available to students in majority of states in the union. Please pass SB 2400.

TESTIMONY IN SUPPORT OF SB 2400

Sen. Michelle Axtman

Senate Education Committee
Wednesday, February 5, 2025

Mr. Chairman and members of the Senate Education Committee-

For the record, I am Senator Michelle Axtman, representing District 7. I am here to present Senate Bill 2400, which establishes a framework for a first of its kind educational savings account program in North Dakota.

I will start by explaining how SB 2400 got here today. In the 68th legislative session, we passed HB 1532, commonly known as the "voucher bill". However, Governor Burgum vetoed the bill stating that it "did not go far enough". I can now say, he was most definitely correct. Following his words, I dedicated my time the last year and a half to truly studying what educational opportunities could look like in North Dakota if we really got it right. Thankfully I had lots of examples to study as many states have implemented vast varieties of educational opportunities, allowing me to learn from their first attempts and their growth over the years. I met with educational leaders across our state and took into account their inputs and concerns. I analyzed every state's multiple programs from micro grants, to vouchers, to tax credits scholarships, to tax deductions, to educational savings accounts. I found things I liked in each program, things I didn't like in each program, and things I felt were missing in each program. The one thing I kept getting hung up on was that several states prided themselves on a "universal" ESA. However, what that really means is that their ESA funds are universal only for those students who first opt out of the public school system. I decided

to work towards a bill that broke the mold, an educational opportunities framework that was for ALL students, truly "universal". Senate Bill 2400 would do just that, making North Dakota the first state to have an ESA program that also supports all public school students.

I would like to now move into the details within SB2400. It would establish an educational savings account program, administered within the department of public instruction. The ESA framework within SB2400 is a tiered program. The 3 tiers are layed on starting on page 4, section 6. The first tier of the program would apply to all public school students, and they would all receive \$1000 to be used to select serviced tailored from an online marketplace to meet their individual needs or interests, to enhance or supplement their public school education. Students do not learn in a one size fits all approach, and that demand has transferred to our school systems, trying to meet these unique individual needs. Having these funds go directly to the individual child allows every family to make the decision in what services can best help their child meet learning goals. I saw how this can play out in micro grants in other states and I saw school leaders create partnerships with contracted services selected by parents to help students make incredible gains. The second tier of the program would apply to students who are enrolled in a non-public participating school. Students whose families household income is within 200% of the federal poverty level would receive \$4000, students whose families household income is within 400% of the federal poverty level would receive \$2500, and families above the 400% would receive \$1000. This means-based tiered structure was chosen to truly give families who would not be able to afford tuition a chane to choose the best environment for their child to learn. In this tier, if a family chooses to use the funds towards a tuition payment, the student would be required to partake in the ND state assessment. The third tier in the program would be for home-education students. They would receive

\$1000 in their ESA marketplace to be used to enhance or supplement their home education through maybe an online language course or services from a specialist for speech or dyslexia therapy.

This ESA program would be executed through a high quality online digital wallet. This online marketplace would have only educational services that are researched, scrutinized, and individually approved by the department. Parents can log on and shop for either local services or virtual options that best fit their own child's needs. I would like to highlight a few unique items that SB2400 adds as qualifying expenses within the ESA marketplace. These two items would be firsts across the nation, mental health assistance and school meals.

Now I know that you heard many arguments yesterday both for and against ESAs. I know that again we will hear arguments that our private schools should not take funds because they do not take all students with disabilities. But today, you will also hear from the founder of a private school, right here in ND, whose mission is to educate students with special educational needs. I think it is time to set that argument aside and instead focus on how we could build a system that collaborates and partners together to best educate these students. Today you will hear the arguments against accountability, however, you will also hear about the high standards we do require of our non public schools and you can see the even added increased standards within the bill. You will hear arguments that school choice does not help rural communities, however, you please look at the list of the array of items that will be on the marketplace. For our rural schools whose students may not have access to certain language courses such as French class, a coding class, or even certain services like an occupational therapist, this bill provides funds for a family to choose that. You will hear from home educated families who feel that this ESA could make a difference

in their child's educational outcomes. You will hear from national research experts on the data regarding the national landscape and national take up rates. I have taken the opportunity to speak about this bill with many of my fellow parents across the state, from the public, private, and homeschool sectors, and not one of them brought up the arguments you may hear today, rather they all were excited about the increased opportunities this offered for their children and the future of our State as a whole. This bill isn't about one educational option over another, this bill is about each and every North Dakota student.

We heard yesterday from Superintendent Baesler the details of the Presidential Executive order on Education Opportunity. I would like to reiterate her comment that the " the Order makes it clear that at the federal level school choice is no longer a question of "if" but "how". I urge you to consider SB 2400 to be that framework of "how".

1 **Testimony in Opposition to Senate Bill 2400**

2 Chairman Beard and members of the Senate Education Committee,

3 Good morning. For the record, my name is Beth Slette, and I am the Superintendent of West
4 Fargo Public Schools. I come before you to express my concerns regarding Senate Bill No. 2400,
5 which proposes the establishment of an education savings account (ESA) program in North
6 Dakota. While I support educational choice and the availability of diverse learning environments,
7 I have reservations about allocating public funds to private schools without ensuring fair access
8 and accountability.

9 I am a product of an elementary Catholic school and a current contributor to the Catholic school
10 system in Fargo through my weekly church contributions. I value the role private schools play in
11 our community, and I believe all schools are better when families have a choice. My support for
12 these institutions is a personal choice, reflecting my commitment to their missions and my faith.
13 However, I firmly believe that directing taxpayer dollars to private schools without stringent
14 accountability measures is not in the best interest of our state's educational system and its
15 students.

16 The proposed ESA program must, but does not currently, ensure that all learners, no matter their
17 background, disability, or socioeconomic status, have equal access to educational choice
18 opportunities. If private schools are going to receive public funds, they need to utilize a blind
19 admissions process to ensure all students who want to attend have an equal opportunity to do so
20 No learner should be turned away based on who they are or what challenges they face.

21 It is also critical that any private institution receiving taxpayer dollars is held to the same
22 accountability standards as public schools. That means participating in state assessments, holding
23 open meetings, and reporting financial expenditures and educational results to the state. Public

1 schools operate under strict transparency and oversight, and if private institutions are using
2 public money, they need be expected to do the same.

3 Public schools in North Dakota are required to follow numerous laws under the North Dakota
4 Century Code. These include reporting on countless academic success metrics, the cost of
5 education (including the public salaries of every educator), ensuring free and open education to
6 all children, and adhering to minimum instructional hours, curricular expectations and calendar
7 length. Right now, private schools are not held to these same laws. If they are going to receive
8 taxpayer dollars, regardless of amount, that must change. We cannot have two sets of rules when
9 it comes to educating our children. Public money comes with public responsibility.

10 Please consider the unintended consequences of SB 2400 as written. Without clear language
11 about universal access, the students whose academic results demand the most additional choice
12 will receive the least. This would result in diverting resources away from public schools, which
13 weakens the very foundation of education in our state and schools abilities to serve students who
14 are struggling the most and would not have access to additional school environments. Over time,
15 this could increase disparities between learners who already have multiple supports and
16 resources and those who do not. Other states have implemented similar ESA programs, and the
17 results have been concerning. Arizona's expansion of ESAs led to financial shortfalls and
18 oversight issues, and poor educational outcomes, as recently highlighted in last week's NAEP
19 report card. Several studies have shown that voucher programs in other states have widened
20 achievement gaps rather than closing them. We need to ask ourselves: what will this look like
21 five years from now? Will this bill create more opportunities for all, or will it ultimately harm
22 public schools and the learners who rely on them, and do nothing for the students struggling

1 most right now? Shouldn't we focus effort and dollars on ensuring all students have at least one
2 good educational option before we spend tax dollars ensuring some students have several?
3 While I support educational choice and the ability for families to make the best decision for their
4 children, public dollars must come with accountability and fairness for all. We must be
5 thoughtful about how we allocate resources, ensuring that all learners, no matter their
6 circumstances, have access to a quality education. We owe it to our communities to get this right.
7 I do want to commend the idea of public school students having access to an educational savings
8 account. Schools cannot do the work of supporting students alone- this innovative approach
9 would help empower parents with resources to support their students and supplement the
10 education they are receiving at their public school. We try but cannot be everything to every
11 student, we do not have the resources nor the expertise. An ESA for all helps supplemental
12 supports wrap-around a student to take some pressure off schools while empowering parents to
13 select the highest impact supports. The key is that all resources be available to all students to
14 ensure fair utilization of taxpayer dollars.
15 Thank you for your time. I will now stand for questions if there are any at this time.

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2400
2/10/2025

Relating to the establishment of the education savings account program; to provide a continuing appropriation; and to provide an appropriation.

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

11:05 a.m. Chairman Beard called the hearing to order.

Discussion Topics:

- ESA for all students
- Tuition cost

11:05 a.m. Committee discussion on testimony #35289 provided by Senator Axtman on February 5, 2025.

11:18 a.m. Senator Boschee submitted proposed amendment testimony #36688.

11:29 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

25.1334.02003
Title.

Prepared by the Legislative Council
staff for Senator Boschee
February 6, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

- 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 the establishment of the education savings account program; to provide a
- 3 continuing appropriation; and to provide an appropriation.

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

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

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Education service provider" means a person approved to provide qualified education
- 10 services. The term does not include a participating school.
- 11 2. "Eligible student" means an elementary or secondary student who is a resident of this
- 12 state and eligible to attend a public school, including a student who has received a
- 13 scholarship under the education savings account program, if the student has not
- 14 graduated from high school or reached twenty-one years of age.
- 15 3. "Parent" means parent or legal guardian.
- 16 4. "Participating school" means a nonpublic school providing education to elementary
- 17 students, secondary students, or both, which has notified the administrator of the
- 18 school's intention to participate in the education savings account program and comply
- 19 with the education savings account program requirements.
- 20 5. "Qualified educational expenses" means:

1 a. ~~Tuition and fees at a nonpublic school;~~

2 ~~b.~~ Textbooks, fees, or payments for educational therapies, including tutoring or
3 cognitive skills training;

4 ~~e.b.~~ Curriculum fees, software, and materials for a course of study for a specific
5 subject matter or grade level;

6 ~~d.c.~~ ~~Tuition or fees~~ Fees for nonpublic online education programs approved by the
7 superintendent of education;

8 ~~e.d.~~ Tuition for vocational and life skills education approved by the superintendent of
9 education;

10 ~~f.e.~~ Education materials and services for students with disabilities from an accredited
11 provider, including the cost of paraprofessionals and assistants who are trained in
12 accordance with state law;

13 ~~g.f.~~ Standardized test fees and advanced placement examinations or examinations
14 related to postsecondary education admission or credentialing;

15 ~~h.g.~~ Tuition or fees for dual-credit courses;

16 ~~i.h.~~ Meals served to students in school buildings;

17 ~~j.i.~~ Mental health assistance;

18 ~~k.j.~~ Medical appointments necessary for educational benefit;

19 ~~l.k.~~ Educational camps; and

20 ~~m.l.~~ Qualified expenses as adopted by the superintendent of public instruction in
21 administrative rules.

22 **Education savings account fund - Establishment - Continuing appropriation.**

23 There is created in the state treasury an education savings account fund. The fund consists
24 of moneys appropriated to the superintendent of public instruction for the education savings
25 account program. Moneys in the fund are appropriated on a continuing basis for education
26 savings accounts.

27 **Superintendent of public instruction - Administrator - Duties.**

28 1. The superintendent of public instruction is the education savings account program
29 administrator, and shall:

30 a. Annually inform eligible students and parents of the schools participating in the
31 education savings account program;

- 1 b. Create a standard application form a parent of an eligible student may submit to
- 2 establish the student's eligibility for the education savings account program. The
- 3 superintendent shall ensure the application is readily available to interested
- 4 families through various sources, including the department's website;
- 5 c. Execute a multimedia marketing program targeting eligible families, particularly
- 6 families below the state's median household income, informing the families about
- 7 the education savings account program and how to apply;
- 8 d. Establish a web and phone-based support system providing parents with
- 9 education savings account program application support and ongoing account
- 10 maintenance support;
- 11 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
- 12 platform used for the program meets the state's highest security requirements,
- 13 including compliance; and
- 14 f. Adopt rules to implement this chapter.
- 15 2. The superintendent of public instruction may:
- 16 a. Make and enter a contract with a third-party entity to administer and audit the
- 17 program, including allocating funds from each eligible student's account for the
- 18 payment of qualified educational expenses by the eligible student's parent;
- 19 b. Conduct audits or other reviews necessary to properly administer the program;
- 20 and
- 21 c. Bar a participating school or education service provider from the education
- 22 savings account program, if the superintendent determines the participating
- 23 school or education provider has:
- 24 (1) Routinely failed to comply with the accountability standards established
- 25 under this chapter; or
- 26 (2) Failed to provide the eligible student with the educational services funded by
- 27 the education savings account.

28 **Enrollment - Account deposits.**

- 29 1. From January first to June thirtieth immediately preceding the school year for which
- 30 the education savings account payment is requested, the parent of an eligible student

1 may request an education savings account payment by submitting an application to
2 the superintendent of public instruction.

3 2. Within thirty days of submission of an application, the superintendent of public
4 instruction or third-party entity shall notify the parent whether the eligible student is
5 approved for the following school year and specify the amount of the education
6 savings account payment for the eligible student, if known at the time of the notice.

7 3. For an eligible student approved for an education savings account payment, the
8 superintendent of public instruction or third-party entity shall establish an individual
9 account for the eligible student in the education savings account fund and deposit the
10 payment into the eligible student's individual account within thirty days following
11 submission of the application, but in any case no later than July fifteenth. The funds
12 must be available immediately for the payment of qualified educational expenses
13 incurred by the parent for the eligible student during the fiscal year.

14 4. A nonpublic school or other provider of qualified educational expenses accepting
15 payment from a parent using funds from an eligible student's individual account in the
16 fund may not refund, rebate, or share any portion of the payment with the parent or
17 eligible student.

18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
19 fiscal year must be returned to the education savings account fund.

20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
21 an eligible student who:

22 ~~a. Attends~~ attends ~~a public school is eligible to receive an education savings~~
23 ~~account payment of one thousand dollars.~~

24 ~~b. Is enrolled in and attends~~ or ~~a nonpublic participating school or who~~
25 participates in a home education program in accordance with chapter 15.1-23 is
26 eligible to receive an education savings account payment of:

27 ~~(1)a.~~ Four thousand dollars, if the eligible student's household has an annual income
28 less than or equal to two hundred percent of the most recently revised poverty
29 income guidelines published by the United States department of health and
30 human services.

1 ~~(2)b.~~ Two thousand five hundred dollars, if the eligible student's household has an
2 annual income less than or equal to four hundred percent of the most recently
3 revised poverty income guidelines published by the United States department of
4 health and human services.

5 ~~(3)c.~~ One thousand dollars, if the eligible student does not qualify under ~~paragraph 1~~
6 ~~or 2~~subdivision a or b.

7 ~~c. Participates in a home education program in accordance with chapter 15.1-23, is~~
8 ~~eligible to receive an education savings account payment of one thousand~~
9 ~~dollars.~~

10 7. Education savings account payments may be approved for one school year and
11 applications must be submitted annually for payments in subsequent school years.

12 8. Funds deposited in an education savings account are not taxable income to the parent
13 or eligible student.

14 **Participating schools - Accountability standards.**

15 1. A participating school shall:

16 a. Comply with all health and safety laws or codes that apply to nonpublic schools.

17 b. Hold a valid occupancy permit if required by the city in which the school is
18 located.

19 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
20 1981.

21 d. Conduct criminal background checks on employees.

22 e. Exclude from employment any individual who:

23 (1) Is not permitted by state law to work in a nonpublic school; or

24 (2) Might reasonably pose a threat to the safety of eligible students.

25 f. Provide a parent with a receipt for all qualifying expenses at the school.

26 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
27 dollars or more during the school year, by filing with the superintendent of public
28 instruction before the start of the school year:

29 (1) A surety bond payable to the state in an amount equal to the aggregate
30 amount of funds from education savings accounts the participating school
31 expects to receive; or

1 (2) Financial information demonstrating the school is able to pay an aggregate
2 amount equal to the amount of the funds from education savings accounts
3 the participating school expects to receive.

4 2. a. An eligible student using education savings account program funds for tuition
5 payments at a participating school shall take required state tests and
6 assessments in accordance with section 15.1-21-08.

7 b. The superintendent of public instruction shall compile and publish assessment
8 results in accordance with sections 15.1-21-09 and 15.1-21-10.

9 c. The superintendent of public instruction shall administer an annual parental
10 satisfaction survey requesting each parent of an eligible student receiving an
11 education savings account program payment to indicate the number of years the
12 child has participated in the education savings account program and express the
13 parent's:

14 (1) Satisfaction with the education savings account program; and

15 (2) Opinions on other topics, items, or issues that may indicate the
16 effectiveness of the education savings account program.

17 3. A participating school or education service provider is autonomous and not an agent of
18 the state or federal government. The superintendent may not regulate the educational
19 program of a participating school or education service provider that accepts funds from
20 an education savings account. The creation of the education savings account program
21 does not expand the regulatory authority of the state, its officers, or a school district
22 beyond the regulations necessary to enforce the requirements of the education
23 savings account program.

24 **SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**

25 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in
26 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
27 much of the sum as may be necessary, to the superintendent of public instruction for the
28 purpose of administering the education savings account program, for the biennium beginning
29 July 1, 2025, and ending June 30, 2027.

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

SB 2400
2/10/2025

Relating to the establishment of the education savings account program; to provide a continuing appropriation; and to provide an appropriation.

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

3:05 p.m. Chairman Beard called the hearing to order.

Discussion Topics:

- ESA for all students
- Tuition cost

3:05 p.m. Senator Axtman moved a Do Pass and rerefer to Senate Appropriations.

3:05 p.m. Senator Boschee seconded the motion.

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

Motion Failed 2-3-1

3:10 p.m. Senator Wobbema moved a Do Not Pass.

3:10 p.m. Motion failed for lack of second.

3:18 p.m. Senator Wobbema made a motion to move out of committee without a recommendation.

3:21 p.m. Senator Boschee 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	N
Senator Mike Wobbema	Y

Motion Failed 1-5-0

3:30 p.m. Senator Gerhardt moved Amendment LC# 25.1334.02005.

3:30 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	N
Senator Justin Gerhardt	Y
Senator Mike Wobbema	Y

Motion Passed 5-1-0

3:35 p.m. Senator Lemm moved a Do Pass as Amended and rerefer to Senate Appropriations.

3:35 p.m. Senator Boschee seconded the motion.

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

Motion Passed 4-2-0

Senator Axtman will carry the bill.

3:37 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. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

- 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 the establishment of the education savings account program; to provide a
3 continuing appropriation; and to provide an appropriation.

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

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

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Education service provider" means a person approved to provide qualified education
10 services. The term does not include a participating school.
11 2. "Eligible student" means an elementary or secondary student who is a resident of this
12 state and eligible to attend a public school, including a student who has received a
13 scholarship under the education savings account program, if the student has not
14 graduated from high school or reached twenty-one years of age.
15 3. "Parent" means parent or legal guardian.
16 4. "Participating school" means a nonpublic school providing education to elementary
17 students, secondary students, or both, which has notified the administrator of the
18 school's intention to participate in the education savings account program and comply
19 with the education savings account program requirements.
20 5. "Qualified educational expenses" means:

- a. Tuition and fees at a nonpublic school;
- b. Textbooks, fees, or payments for educational therapies, including tutoring or cognitive skills training;
- c. Curriculum fees, software, and materials for a course of study for a specific subject matter or grade level;
- d. Tuition or fees for nonpublic online education programs;
- e. Tuition for vocational and life skills education approved by the superintendent of education;
- f. Education materials and services for students with disabilities from an accredited provider, including the cost of paraprofessionals and assistants who are trained in accordance with state law;
- g. Standardized test fees and advanced placement examinations or examinations related to postsecondary education admission or credentialing;
- h. Tuition or fees for dual-credit courses;
- i. Meals served to students in school buildings;
- j. Mental health assistance;
- k. Medical appointments necessary for educational benefit;
- l. Educational camps; and
- m. Qualified expenses as adopted by the superintendent of public instruction in administrative rules.

Education savings account fund - Establishment - Continuing appropriation.

There is created in the state treasury an education savings account fund. The fund consists of moneys appropriated to the superintendent of public instruction for the education savings account program. Moneys in the fund are appropriated on a continuing basis for education savings accounts.

Superintendent of public instruction - Administrator - Duties.

1. The superintendent of public instruction is the education savings account program administrator, and shall:
 - a. Annually inform eligible students and parents of the schools participating in the education savings account program;

- 1 b. Create a standard application form a parent of an eligible student may submit to
- 2 establish the student's eligibility for the education savings account program. The
- 3 superintendent shall ensure the application is readily available to interested
- 4 families through various sources, including the department's website;
- 5 c. Execute a multimedia marketing program targeting eligible families, particularly
- 6 families below the state's median household income, informing the families about
- 7 the education savings account program and how to apply;
- 8 d. Establish a web and phone-based support system providing parents with
- 9 education savings account program application support and ongoing account
- 10 maintenance support;
- 11 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
- 12 platform used for the program meets the state's highest security requirements,
- 13 including compliance; and
- 14 f. Adopt rules to implement this chapter.
- 15 2. The superintendent of public instruction may:
- 16 a. Make and enter a contract with a third-party entity to administer and audit the
- 17 program, including allocating funds from each eligible student's account for the
- 18 payment of qualified educational expenses by the eligible student's parent;
- 19 b. Conduct audits or other reviews necessary to properly administer the program;
- 20 and
- 21 c. Bar a participating school or education service provider from the education
- 22 savings account program, if the superintendent determines the participating
- 23 school or education provider has:
- 24 (1) Routinely failed to comply with the accountability standards established
- 25 under this chapter; or
- 26 (2) Failed to provide the eligible student with the educational services funded by
- 27 the education savings account.

28 **Enrollment - Account deposits.**

- 29 1. From January first to June thirtieth immediately preceding the school year for which
- 30 the education savings account payment is requested, the parent of an eligible student

- 1 may request an education savings account payment by submitting an application to
2 the superintendent of public instruction.
- 3 2. Within thirty days of submission of an application, the superintendent of public
4 instruction or third-party entity shall notify the parent whether the eligible student is
5 approved for the following school year and specify the amount of the education
6 savings account payment for the eligible student, if known at the time of the notice.
- 7 3. For an eligible student approved for an education savings account payment, the
8 superintendent of public instruction or third-party entity shall establish an individual
9 account for the eligible student in the education savings account fund and deposit the
10 payment into the eligible student's individual account within thirty days following
11 submission of the application, but in any case no later than July fifteenth. The funds
12 must be available immediately for the payment of qualified educational expenses
13 incurred by the parent for the eligible student during the fiscal year.
- 14 4. A nonpublic school or other provider of qualified educational expenses accepting
15 payment from a parent using funds from an eligible student's individual account in the
16 fund may not refund, rebate, or share any portion of the payment with the parent or
17 eligible student.
- 18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
19 fiscal year must be returned to the education savings account fund.
- 20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
21 an eligible student who:
 - 22 a. Attends a public school is eligible to receive an education savings account
23 payment of one thousand dollars.
 - 24 b. Is enrolled in and attends a nonpublic participating school is eligible to receive an
25 education savings account payment of:
 - 26 (1) Four thousand dollars, if the eligible student's household has an annual
27 income less than or equal to ~~two~~three hundred percent of the most recently
28 revised poverty income guidelines published by the United States
29 department of health and human services.
 - 30 (2) Two thousand five hundred dollars, if the eligible student's household has
31 an annual income less than or equal to ~~four~~five hundred percent of the most

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1 recently revised poverty income guidelines published by the United States
2 department of health and human services.

3 (3) One thousand dollars, if the eligible student does not qualify under
4 paragraph 1 or 2.

5 c. Participates in a home education program in accordance with chapter 15.1-23, is
6 eligible to receive an education savings account payment of one thousand
7 dollars.

8 7. Education savings account payments may be approved for one school year and
9 applications must be submitted annually for payments in subsequent school years.

10 8. Funds deposited in an education savings account are not taxable income to the parent
11 or eligible student.

12 **Participating schools - Accountability standards.**

13 1. A participating school shall:

14 a. Comply with all health and safety laws or codes that apply to nonpublic schools.

15 b. Hold a valid occupancy permit if required by the city in which the school is
16 located.

17 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
18 1981.

19 d. Conduct criminal background checks on employees.

20 e. Exclude from employment any individual who:

21 (1) Is not permitted by state law to work in a nonpublic school; or

22 (2) Might reasonably pose a threat to the safety of eligible students.

23 f. Provide a parent with a receipt for all qualifying expenses at the school.

24 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
25 dollars or more during the school year, by filing with the superintendent of public
26 instruction before the start of the school year:

27 (1) A surety bond payable to the state in an amount equal to the aggregate
28 amount of funds from education savings accounts the participating school
29 expects to receive; or

1 (2) Financial information demonstrating the school is able to pay an aggregate
2 amount equal to the amount of the funds from education savings accounts
3 the participating school expects to receive.

4 2. a. An eligible student using education savings account program funds for tuition
5 payments at a participating school shall take required state tests and
6 assessments in accordance with section 15.1-21-08.

7 b. The superintendent of public instruction shall compile and publish assessment
8 results in accordance with sections 15.1-21-09 and 15.1-21-10.

9 c. The superintendent of public instruction shall administer an annual parental
10 satisfaction survey requesting each parent of an eligible student receiving an
11 education savings account program payment to indicate the number of years the
12 child has participated in the education savings account program and express the
13 parent's:

14 (1) Satisfaction with the education savings account program; and

15 (2) Opinions on other topics, items, or issues that may indicate the
16 effectiveness of the education savings account program.

17 3. A participating school or education service provider is autonomous and not an agent of
18 the state or federal government. The superintendent may not regulate the educational
19 program of a participating school or education service provider that accepts funds from
20 an education savings account. The creation of the education savings account program
21 does not expand the regulatory authority of the state, its officers, or a school district
22 beyond the regulations necessary to enforce the requirements of the education
23 savings account program.

24 **SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**

25 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in
26 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
27 much of the sum as may be necessary, to the superintendent of public instruction for the
28 purpose of administering the education savings account program, for the biennium beginning
29 July 1, 2025, and ending June 30, 2027.

**REPORT OF STANDING COMMITTEE
SB 2400**

Education Committee (Sen. Beard, Chairman) recommends **AMENDMENTS** ([25.1334.02005](#)) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2400 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 SENATE APPROPRIATIONS

SB 2400

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2400
2/14/2025

A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to the establishment of the education savings account program; to provide a continuing appropriation; and to provide an appropriation.

9:10 a.m. Chairman Sorvaag called the meeting to order.

Members Present: Chairman Ronald Sorvaag, Senator Cole Conley, Senator Scott Meyer, Senator Donald Schaible, Senator Paul J. Thomas.

Discussion Topics:

- Education Savings Account for Students.
- Origin of Cost Estimates.
- Education Outcomes

9:10 a.m. Senator Axtman, District 7, introduced the bill in favor and answered questions.

9:39 a.m. Chairman Sorvaag closed the meeting.

Steven Hall, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Sakakawea Room, State Capitol

SB 2400
2/18/2025

A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to the establishment of the education savings account program; to provide a continuing appropriation; and to provide an appropriation.

3:15 p.m. Chairman Sorvaag called the meeting to order.

Members Present: Chairman Ronald Sorvaag, Senator Cole Conley, Senator Scott Meyer, Senator Donald Schaible, Senator Paul J. Thomas.

Discussion Topics:

- Changes in funding allotment.
- Means Test.
- Home Education.

3:15 p.m. Senator Schaible introduced the proposed amendment in favor and submitted testimony in favor #38003.

3:18 p.m. Senator Schaible moved amendment LC #25.1334.03001 #38003.

3:18 p.m. Senator Thomas seconded.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Cole Conley	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Paul J. Thomas	Y

Motion Passed: 5-0-0.

3:20 p.m. Senator Schaible moved a Do Pass as amended.

3:20 p.m. Senator Thomas Seconded.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Cole Conley	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Paul J. Thomas	Y

Motion Passed: 5-0-0.

Senator Schaible will carry the bill.

Senate Appropriations Education and Environment Division
SB 2400
02/18/25
Page 2

3:20 p.m. Chairman Sorvaag closed the meeting.

Steven Hall, Committee Clerk

Sixty-ninth
Legislative Assembly

- 1 may request an education savings account payment by submitting an application to
- 2 the superintendent of public instruction.
- 3 2. Within thirty days of submission of an application, the superintendent of public
- 4 instruction or third-party entity shall notify the parent whether the eligible student is
- 5 approved for the following school year and specify the amount of the education
- 6 savings account payment for the eligible student, if known at the time of the notice.
- 7 3. For an eligible student approved for an education savings account payment, the
- 8 superintendent of public instruction or third-party entity shall establish an individual
- 9 account for the eligible student in the education savings account fund and deposit the
- 10 payment into the eligible student's individual account within thirty days following
- 11 submission of the application, but in any case no later than July fifteenth. The funds
- 12 must be available immediately for the payment of qualified educational expenses
- 13 incurred by the parent for the eligible student during the fiscal year.
- 14 4. A nonpublic school or other provider of qualified educational expenses accepting
- 15 payment from a parent using funds from an eligible student's individual account in the
- 16 fund may not refund, rebate, or share any portion of the payment with the parent or
- 17 eligible student.
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- 19 fiscal year must be returned to the education savings account fund.
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- 21 an eligible student who:
- 22 a. Attends a public school is eligible to receive an education savings account
- 23 payment of ~~one thousand~~ five hundred dollars.
- 24 b. Is enrolled in and attends a nonpublic participating school is eligible to receive an
- 25 education savings account payment of:
- 26 (1) ~~Four thousand~~ Three thousand five hundred dollars, if the eligible student's
- 27 household has an annual income less than or equal to three hundred
- 28 percent of the most recently revised poverty income guidelines published by
- 29 the United States department of health and human services.
- 30 (2) Two thousand ~~five hundred~~ dollars, if the eligible student's household has
- 31 an annual income less than or equal to five hundred percent of the most

1 recently revised poverty income guidelines published by the United States
2 department of health and human services.

3 (3) ~~One thousand~~Five hundred dollars, if the eligible student does not qualify
4 under paragraph 1 or 2.

5 c. Participates in a home education program in accordance with chapter 15.1-23, is
6 eligible to receive an education savings account payment of ~~one thousand~~five
7 hundred dollars.

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9 applications must be submitted annually for payments in subsequent school years.

10 8. Funds deposited in an education savings account are not taxable income to the parent
11 or eligible student.

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15 b. Hold a valid occupancy permit if required by the city in which the school is
16 located.

17 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
18 1981.

19 d. Conduct criminal background checks on employees.

20 e. Exclude from employment any individual who:

21 (1) Is not permitted by state law to work in a nonpublic school; or

22 (2) Might reasonably pose a threat to the safety of eligible students.

23 f. Provide a parent with a receipt for all qualifying expenses at the school.

24 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
25 dollars or more during the school year, by filing with the superintendent of public
26 instruction before the start of the school year:

27 (1) A surety bond payable to the state in an amount equal to the aggregate
28 amount of funds from education savings accounts the participating school
29 expects to receive; or

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

SB 2400
2/19/2025

A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to the establishment of the education savings account program; to provide a continuing appropriation; and to provide an appropriation.

10:16 a.m. Chairman Bekkedahl opened the hearing.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Meyer, Schaible, Sickler, Sorvaag, Thomas, Wanzek.

Discussion Topics:

- \$3 Million for Program Administration
- Allocation and Distribution of Funds
- Appropriation Amount

10:16 a.m. Senator Schaible introduced the bill and submitted testimony #38069.

10:19 a.m. Senator Schaible moved amendment LC 25.1334.03001.

10:20 a.m. Senator Thomas seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 16-0-0.

10:21 a.m. Senator Mathern submitted testimony #38063.

10:32 a.m. Senator Mathern moved amendment 25.1334.03002.

10:32 a.m. Senator Davison seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	N
Senator Robert Erbele	Y
Senator Randy A. Burckhard	N
Senator Sean Cleary	N
Senator Cole Conley	N
Senator Kyle Davison	N
Senator Dick Dever	N
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	N
Senator Tim Mathern	Y
Senator Scott Meyer	N
Senator Donald Schaible	N
Senator Jonathan Sickler	N
Senator Ronald Sorvaag	N
Senator Paul J. Thomas	N
Senator Terry M. Wanzek	Y

Motion Failed 4-12-0.

10:39 a.m. Senator Schaible moved a Do Pass as Amended.

10:39 a.m. Senator Meyer seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	N
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	N
Senator Jeffery J. Magrum	N
Senator Tim Mathern	N
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 12-4-0.

Senator Schaible will carry the bill.

10:41 a.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

cc 2/19
1 of 6

ENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

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 the establishment of the education savings account program; to provide a
3 continuing appropriation; and to provide an appropriation.

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

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

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Education service provider" means a person approved to provide qualified education
10 services. The term does not include a participating school.
- 11 2. "Eligible student" means an elementary or secondary student who is a resident of this
12 state and eligible to attend a public school, including a student who has received a
13 scholarship under the education savings account program, if the student has not
14 graduated from high school or reached twenty-one years of age.
- 15 3. "Parent" means parent or legal guardian.
- 16 4. "Participating school" means a nonpublic school providing education to elementary
17 students, secondary students, or both, which has notified the administrator of the
18 school's intention to participate in the education savings account program and comply
19 with the education savings account program requirements.
- 20 5. "Qualified educational expenses" means:

- a. Tuition and fees at a nonpublic school;
- b. Textbooks, fees, or payments for educational therapies, including tutoring or cognitive skills training;
- c. Curriculum fees, software, and materials for a course of study for a specific subject matter or grade level;
- d. Tuition or fees for nonpublic online education programs;
- e. Tuition for vocational and life skills education approved by the superintendent of education;
- f. Education materials and services for students with disabilities from an accredited provider, including the cost of paraprofessionals and assistants who are trained in accordance with state law;
- g. Standardized test fees and advanced placement examinations or examinations related to postsecondary education admission or credentialing;
- h. Tuition or fees for dual-credit courses;
- i. Meals served to students in school buildings;
- j. Mental health assistance;
- k. Medical appointments necessary for educational benefit;
- l. Educational camps; and
- m. Qualified expenses as adopted by the superintendent of public instruction in administrative rules.

Education savings account fund - Establishment - Continuing appropriation.

There is created in the state treasury an education savings account fund. The fund consists of moneys appropriated to the superintendent of public instruction for the education savings account program. Moneys in the fund are appropriated on a continuing basis for education savings accounts.

Superintendent of public instruction - Administrator - Duties.

1. The superintendent of public instruction is the education savings account program administrator, and shall:
 - a. Annually inform eligible students and parents of the schools participating in the education savings account program;

- 1 b. Create a standard application form a parent of an eligible student may submit to
2 establish the student's eligibility for the education savings account program. The
3 superintendent shall ensure the application is readily available to interested
4 families through various sources, including the department's website;
- 5 c. Execute a multimedia marketing program targeting eligible families, particularly
6 families below the state's median household income, informing the families about
7 the education savings account program and how to apply;
- 8 d. Establish a web and phone-based support system providing parents with
9 education savings account program application support and ongoing account
10 maintenance support;
- 11 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
12 platform used for the program meets the state's highest security requirements,
13 including compliance; and
- 14 f. Adopt rules to implement this chapter.

15 2. The superintendent of public instruction may:

- 16 a. Make and enter a contract with a third-party entity to administer and audit the
17 program, including allocating funds from each eligible student's account for the
18 payment of qualified educational expenses by the eligible student's parent;
- 19 b. Conduct audits or other reviews necessary to properly administer the program;
20 and
- 21 c. Bar a participating school or education service provider from the education
22 savings account program, if the superintendent determines the participating
23 school or education provider has:
 - 24 (1) Routinely failed to comply with the accountability standards established
25 under this chapter; or
 - 26 (2) Failed to provide the eligible student with the educational services funded by
27 the education savings account.

28 **Enrollment - Account deposits.**

- 29 1. From January first to June thirtieth immediately preceding the school year for which
30 the education savings account payment is requested, the parent of an eligible student

1 may request an education savings account payment by submitting an application to
2 the superintendent of public instruction.

3 2. Within thirty days of submission of an application, the superintendent of public
4 instruction or third-party entity shall notify the parent whether the eligible student is
5 approved for the following school year and specify the amount of the education
6 savings account payment for the eligible student, if known at the time of the notice.

7 3. For an eligible student approved for an education savings account payment, the
8 superintendent of public instruction or third-party entity shall establish an individual
9 account for the eligible student in the education savings account fund and deposit the
10 payment into the eligible student's individual account within thirty days following
11 submission of the application, but in any case no later than July fifteenth. The funds
12 must be available immediately for the payment of qualified educational expenses
13 incurred by the parent for the eligible student during the fiscal year.

14 4. A nonpublic school or other provider of qualified educational expenses accepting
15 payment from a parent using funds from an eligible student's individual account in the
16 fund may not refund, rebate, or share any portion of the payment with the parent or
17 eligible student.

18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
19 fiscal year must be returned to the education savings account fund.

20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
21 an eligible student who:

22 a. Attends a public school is eligible to receive an education savings account
23 payment of ~~one thousand~~ five hundred dollars.

24 b. Is enrolled in and attends a nonpublic participating school is eligible to receive an
25 education savings account payment of:

26 (1) ~~Four thousand~~ Three thousand five hundred dollars, if the eligible student's
27 household has an annual income less than or equal to three hundred
28 percent of the most recently revised poverty income guidelines published by
29 the United States department of health and human services.

30 (2) Two thousand ~~five hundred~~ dollars, if the eligible student's household has
31 an annual income less than or equal to five hundred percent of the most

1 recently revised poverty income guidelines published by the United States
2 department of health and human services.

3 (3) ~~One thousand~~Five hundred dollars, if the eligible student does not qualify
4 under paragraph 1 or 2.

5 c. Participates in a home education program in accordance with chapter 15.1-23, is
6 eligible to receive an education savings account payment of ~~one thousand~~five
7 hundred dollars.

8 7. Education savings account payments may be approved for one school year and
9 applications must be submitted annually for payments in subsequent school years.

10 8. Funds deposited in an education savings account are not taxable income to the parent
11 or eligible student.

12 **Participating schools - Accountability standards.**

13 1. A participating school shall:

14 a. Comply with all health and safety laws or codes that apply to nonpublic schools.

15 b. Hold a valid occupancy permit if required by the city in which the school is
16 located.

17 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
18 1981.

19 d. Conduct criminal background checks on employees.

20 e. Exclude from employment any individual who:

21 (1) Is not permitted by state law to work in a nonpublic school; or

22 (2) Might reasonably pose a threat to the safety of eligible students.

23 f. Provide a parent with a receipt for all qualifying expenses at the school.

24 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
25 dollars or more during the school year, by filing with the superintendent of public
26 instruction before the start of the school year:

27 (1) A surety bond payable to the state in an amount equal to the aggregate
28 amount of funds from education savings accounts the participating school
29 expects to receive; or

1 (2) Financial information demonstrating the school is able to pay an aggregate
2 amount equal to the amount of the funds from education savings accounts
3 the participating school expects to receive.

4 2. a. An eligible student using education savings account program funds for tuition
5 payments at a participating school shall take required state tests and
6 assessments in accordance with section 15.1-21-08.

7 b. The superintendent of public instruction shall compile and publish assessment
8 results in accordance with sections 15.1-21-09 and 15.1-21-10.

9 c. The superintendent of public instruction shall administer an annual parental
10 satisfaction survey requesting each parent of an eligible student receiving an
11 education savings account program payment to indicate the number of years the
12 child has participated in the education savings account program and express the
13 parent's:

14 (1) Satisfaction with the education savings account program; and

15 (2) Opinions on other topics, items, or issues that may indicate the
16 effectiveness of the education savings account program.

17 3. A participating school or education service provider is autonomous and not an agent of
18 the state or federal government. The superintendent may not regulate the educational
19 program of a participating school or education service provider that accepts funds from
20 an education savings account. The creation of the education savings account program
21 does not expand the regulatory authority of the state, its officers, or a school district
22 beyond the regulations necessary to enforce the requirements of the education
23 savings account program.

24 **SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**

25 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in
26 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
27 much of the sum as may be necessary, to the superintendent of public instruction for the
28 purpose of administering the education savings account program, for the biennium beginning
29 July 1, 2025, and ending June 30, 2027.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2400**

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS** ([25.1334.03001](#)) and when so amended, recommends **DO PASS** (12 YEAS, 4 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2400 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2-19-25

~~SENATOR~~ Mathern

25.1334.03002

Title.

Prepared by the Legislative Council
staff for Senator Mathern

February 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT****ENGROSSED SENATE BILL NO. 2400**

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

- 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 the establishment of the education savings account program; ~~to provide a~~
3 ~~continuing appropriation; and to provide an appropriation.~~

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

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

7 Definitions.**8 As used in this chapter:**

- 9 1. ~~"Education service provider" means a person approved to provide qualified education~~
10 ~~services. The term does not include a participating school.~~
11 ~~2. "Eligible student" means an elementary or secondary student attending public school~~
12 ~~or private school or receiving home education who is a resident of this state and~~
13 ~~eligible to attend a public school, including a student who has received a scholarship~~
14 ~~under the education savings account program, if the student has not graduated from~~
15 ~~high school or reached twenty-one years of age.~~
16 ~~3.2. "Parent" means parent or legal guardian.~~
17 ~~4. "Participating school" means a nonpublic school providing education to elementary~~
18 ~~students, secondary students, or both, which has notified the administrator of the~~
19 ~~school's intention to participate in the education savings account program and comply~~
20 ~~with the education savings account program requirements.~~

5.3. "Qualified educational expenses" means:

- a. Tuition and fees at a nonpublic school;
- b. Textbooks, fees, or payments for educational therapies, including tutoring or cognitive skills training;
- c. Curriculum fees, software, and materials for a course of study for a specific subject matter or grade level;
- d. Tuition or fees for nonpublic online education programs;
- e. Tuition for vocational and life skills education approved by the superintendent of education;
- f. Education materials and services for students with disabilities from an accredited provider, including the cost of paraprofessionals and assistants who are trained in accordance with state law;
- g. Standardized test fees and advanced placement examinations or examinations related to postsecondary education admission or credentialing;
- h. Tuition or fees for dual-credit courses;
- i. Meals served to students in school buildings;
- j. Mental health assistance;
- k. Medical appointments necessary for educational benefit;
- l. Educational camps; and
- m. Qualified expenses as adopted by the superintendent of public instruction in administrative rules.

~~Education savings account fund - Establishment - Continuing appropriation.~~

~~There is created in the state treasury an education savings account fund. The fund consists of moneys appropriated to the superintendent of public instruction for the education savings account program. Moneys in the fund are appropriated on a continuing basis for education savings accounts.~~

Superintendent of public instruction - Administrator - ~~Duties~~Account deposits - Federal educational choice program.

1. The superintendent of public instruction is the education savings account program administrator, and shall:

- 1 ~~a. Annually inform eligible students and parents of the schools participating in the~~
- 2 ~~education savings account program;~~
- 3 ~~b. Create a standard application form a parent of an eligible student may submit to~~
- 4 ~~establish the student's eligibility for the education savings account program. The~~
- 5 ~~superintendent shall ensure the application is readily available to interested~~
- 6 ~~families through various sources, including the department's website;~~
- 7 ~~c. Execute a multimedia marketing program targeting eligible families, particularly~~
- 8 ~~families below the state's median household income, informing the families about~~
- 9 ~~the education savings account program and how to apply;~~
- 10 ~~d. Establish a web and phone based support system providing parents with~~
- 11 ~~education savings account program application support and ongoing account~~
- 12 ~~maintenance support;~~
- 13 ~~e. Reduce potential waste, fraud, and abuse, and ensure that any technology~~
- 14 ~~platform used for the program meets the state's highest security requirements,~~
- 15 ~~including compliance; and~~
- 16 ~~f. Adopt rules to implement this chapter.~~
- 17 ~~2. The superintendent of public instruction may:~~
- 18 ~~a. Make and enter a contract with a third party entity to administer and audit the~~
- 19 ~~program, including allocating funds from each eligible student's account for the~~
- 20 ~~payment of qualified educational expenses by the eligible student's parent;~~
- 21 ~~b. Conduct audits or other reviews necessary to properly administer the program;~~
- 22 ~~and~~
- 23 ~~c. Bar a participating school or education service provider from the education~~
- 24 ~~savings account program, if the superintendent determines the participating~~
- 25 ~~school or education provider has:~~
- 26 ~~(1) Routinely failed to comply with the accountability standards established~~
- 27 ~~under this chapter; or~~
- 28 ~~(2) Failed to provide the eligible student with the educational services funded by~~
- 29 ~~the education savings account.~~

~~Enrollment Account deposits.~~

~~1. From January first to June thirtieth immediately preceding the school year for which the education savings account payment is requested, the parent of an eligible student may request an education savings account payment by submitting an application to the superintendent of public instruction.~~

~~2. Within thirty days of submission of an application, the superintendent of public instruction or third-party entity shall notify the parent whether the eligible student is approved for the following school year and specify the amount of the education savings account payment for the eligible student, if known at the time of the notice.~~

~~3.2. For an eligible student approved for an education savings account payment, the superintendent of public instruction or third-party entity shall establish an individual account for the eligible student in the education savings account fund and to facilitate the deposit the payment of any federal scholarship for educational choice into the eligible student's individual account within thirty days following submission of the application, but in any case no later than July fifteenth. The funds must be available immediately for the payment of qualified educational expenses incurred by the parent for the eligible student during the fiscal year.~~

~~3. Notwithstanding any other provision of this chapter, the superintendent of public instruction, parents, and eligible students shall comply with any federal law or rule upon which receiving a federal scholarship for educational choice is contingent.~~

~~4. A nonpublic school or other provider of qualified educational expenses accepting payment from a parent using funds from an eligible student's individual account in the fund may not refund, rebate, or share any portion of the payment with the parent or eligible student.~~

~~5. Moneys remaining in an eligible student's individual account upon conclusion of the fiscal year must be returned to the education savings account fund.~~

~~6. Beginning with the school budget year beginning July 1, 2026, for each school year, an eligible student who:~~

~~a. Attends a public school is eligible to receive an education savings account payment of one thousand dollars.~~

- 1 ~~b. Is enrolled in and attends a nonpublic participating school is eligible to receive an~~
2 ~~education savings account payment of:~~
- 3 ~~(1) Four thousand dollars, if the eligible student's household has an annual~~
4 ~~income less than or equal to three hundred percent of the most recently~~
5 ~~revised poverty income guidelines published by the United States~~
6 ~~department of health and human services.~~
- 7 ~~(2) Two thousand five hundred dollars, if the eligible student's household has~~
8 ~~an annual income less than or equal to five hundred percent of the most~~
9 ~~recently revised poverty income guidelines published by the United States~~
10 ~~department of health and human services.~~
- 11 ~~(3) One thousand dollars, if the eligible student does not qualify under~~
12 ~~paragraph 1 or 2.~~
- 13 ~~c. Participates in a home education program in accordance with chapter 15.1 23, is~~
14 ~~eligible to receive an education savings account payment of one thousand~~
15 ~~dollars.~~
- 16 ~~7. Education savings account payments may be approved for one school year and~~
17 ~~applications must be submitted annually for payments in subsequent school years.~~
- 18 ~~8. Funds deposited in an education savings account are not taxable income to the parent~~
19 ~~or eligible student.~~
- 20 ~~Participating schools—Accountability standards.~~
- 21 ~~1. A participating school shall:~~
- 22 ~~a. Comply with all health and safety laws or codes that apply to nonpublic schools.~~
- 23 ~~b. Hold a valid occupancy permit if required by the city in which the school is~~
24 ~~located.~~
- 25 ~~c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.~~
26 ~~1981.~~
- 27 ~~d. Conduct criminal background checks on employees.~~
- 28 ~~e. Exclude from employment any individual who:~~
- 29 ~~(1) Is not permitted by state law to work in a nonpublic school; or~~
30 ~~(2) Might reasonably pose a threat to the safety of eligible students.~~
- 31 ~~f. Provide a parent with a receipt for all qualifying expenses at the school.~~

- 1 ~~g. Demonstrate the school's financial viability, if the school will receive fifty thousand~~
2 ~~dollars or more during the school year, by filing with the superintendent of public~~
3 ~~instruction 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 funds from education savings accounts the participating school~~
6 ~~expects to receive; or~~
- 7 ~~(2) Financial information demonstrating the school is able to pay an aggregate~~
8 ~~amount equal to the amount of the funds from education savings accounts~~
9 ~~the participating school expects to receive.~~
- 10 ~~2. a. An eligible student using education savings account program funds for tuition~~
11 ~~payments at a participating school shall take required state tests and~~
12 ~~assessments in accordance with section 15.1-21-08.~~
- 13 ~~b. The superintendent of public instruction shall compile and publish assessment~~
14 ~~results in accordance with sections 15.1-21-09 and 15.1-21-10.~~
- 15 ~~c. The superintendent of public instruction shall administer an annual parental~~
16 ~~satisfaction survey requesting each parent of an eligible student receiving an~~
17 ~~education savings account program payment to indicate the number of years the~~
18 ~~child has participated in the education savings account program and express the~~
19 ~~parent's:~~
- 20 ~~(1) Satisfaction with the education savings account program; and~~
21 ~~(2) Opinions on other topics, items, or issues that may indicate the~~
22 ~~effectiveness of the education savings account program.~~
- 23 ~~3. A participating school or education service provider is autonomous and not an agent of~~
24 ~~the state or federal government. The superintendent may not regulate the educational~~
25 ~~program of a participating school or education service provider that accepts funds from~~
26 ~~an education savings account. The creation of the education savings account program~~
27 ~~does not expand the regulatory authority of the state, its officers, or a school district~~
28 ~~beyond the regulations necessary to enforce the requirements of the education~~
29 ~~savings account program.~~
- 30 ~~SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -~~
31 ~~EDUCATION SAVINGS ACCOUNT PROGRAM. There is appropriated out of any moneys in-~~

Sixty-ninth
Legislative Assembly

- 1 ~~the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so~~
- 2 ~~much of the sum as may be necessary, to the superintendent of public instruction for the~~
- 3 ~~purpose of administering the education savings account program, for the biennium beginning~~
- 4 ~~July 1, 2025, and ending June 30, 2027.~~

SB 2400

2-19-25

Sixty-ninth
Legislative Assembly

- 1 may request an education savings account payment by submitting an application to
- 2 the superintendent of public instruction.
- 3 2. Within thirty days of submission of an application, the superintendent of public
- 4 instruction or third-party entity shall notify the parent whether the eligible student is
- 5 approved for the following school year and specify the amount of the education
- 6 savings account payment for the eligible student, if known at the time of the notice.
- 7 3. For an eligible student approved for an education savings account payment, the
- 8 superintendent of public instruction or third-party entity shall establish an individual
- 9 account for the eligible student in the education savings account fund and deposit the
- 10 payment into the eligible student's individual account within thirty days following
- 11 submission of the application, but in any case no later than July fifteenth. The funds
- 12 must be available immediately for the payment of qualified educational expenses
- 13 incurred by the parent for the eligible student during the fiscal year.
- 14 4. A nonpublic school or other provider of qualified educational expenses accepting
- 15 payment from a parent using funds from an eligible student's individual account in the
- 16 fund may not refund, rebate, or share any portion of the payment with the parent or
- 17 eligible student.
- 18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
- 19 fiscal year must be returned to the education savings account fund.
- 20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
- 21 an eligible student who:
- 22 a. Attends a public school is eligible to receive an education savings account
- 23 payment of ~~one thousand five~~ hundred dollars.
- 24 b. Is enrolled in and attends a nonpublic participating school is eligible to receive an
- 25 education savings account payment of:
- 26 (1) ~~Four thousand~~ Three thousand five hundred dollars, if the eligible student's
- 27 household has an annual income less than or equal to three hundred
- 28 percent of the most recently revised poverty income guidelines published by
- 29 the United States department of health and human services.
- 30 (2) Two thousand ~~five hundred~~ dollars, if the eligible student's household has
- 31 an annual income less than or equal to five hundred percent of the most

- 1 recently revised poverty income guidelines published by the United States
2 department of health and human services.
- 3 (3) ~~One thousand~~Five hundred dollars, if the eligible student does not qualify
4 under paragraph 1 or 2.
- 5 c. Participates in a home education program in accordance with chapter 15.1-23, is
6 eligible to receive an education savings account payment of ~~one thousand~~five
7 hundred dollars.
- 8 7. Education savings account payments may be approved for one school year and
9 applications must be submitted annually for payments in subsequent school years.
- 10 8. Funds deposited in an education savings account are not taxable income to the parent
11 or eligible student.
- 12 **Participating schools - Accountability standards.**
- 13 1. A participating school shall:
- 14 a. Comply with all health and safety laws or codes that apply to nonpublic schools.
15 b. Hold a valid occupancy permit if required by the city in which the school is
16 located.
- 17 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
18 1981.
- 19 d. Conduct criminal background checks on employees.
20 e. Exclude from employment any individual who:
- 21 (1) Is not permitted by state law to work in a nonpublic school; or
22 (2) Might reasonably pose a threat to the safety of eligible students.
- 23 f. Provide a parent with a receipt for all qualifying expenses at the school.
24 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
25 dollars or more during the school year, by filing with the superintendent of public
26 instruction before the start of the school year:
- 27 (1) A surety bond payable to the state in an amount equal to the aggregate
28 amount of funds from education savings accounts the participating school
29 expects to receive; or

2025 HOUSE EDUCATION

SB 2400

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2400
3/18/2025

Relating to the establishment of the education savings account program; and to provide an appropriation.

9:00 a.m. Chairman Heinert called the meeting to order.

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

Discussion Topics:

- School Savings Program
- Tuition Savings accounts
- Mental health service costs
- Student expenditures

9:01 a.m. Senator Axtman introduced the bill and submitted testimony. #42794

9:42 a.m. Maria Nasset, Senior Advisor for the office of the Governor, testified in favor.

9:47 a.m. Aimee Bachmeier, ND Resident, testified in favor and submitted testimony. #41484

9:52 a.m. Dr. Alyssa Martin, State Director, ND Center for Distance Education, NDCDE, testified in favor and submitted testimony. #42754 #42755

9:55 a.m. Jeremy Vidmar, ND Resident, testified in favor.

10:00 a.m. Paxton Suckler, ND Resident, testified in favor.

10:03 a.m. Father Jady Nelson, President, Bishop Ryan Catholic School, testified in favor and submitted testimony. #41785

10:16 a.m. Shane Goettle, Lobbyist, State Association of Non-Public Schools, testified in favor and submitted testimony. #42693

10:23 a.m. David Tamisiea, Executive Director, ND Catholic Conference, testified in favor and submitted testimony. #42652

10:24 a.m. Marit Heidbreder, Lobbyist, ND Family Alliance Legislative Action, testified in favor and submitted testimony. #42720

10:26 a.m. Linda Thorson, State Director, Concerned Women for America of North Dakota, testified in favor and submitted testimony. #41933

10:31 a.m. Andrew Nias, American Federation for Children, testified in favor.

10:33 a.m. Scott Jensen, American Federation for Children, testified in favor.

10:35 a.m. Brenda Weisner, ND Resident, testified in favor and submitted testimony. #42725

10:40 a.m. Judy Estenson, ND Resident, testified in opposition.

10:49 a.m. Rick Diegel, Superintendent, Kidder County School District, testified in opposition and submitted testimony. #42767

10:57 a.m. Theresa Deckert, Lobbyist, ND Home School Association, testified in opposition and submitted testimony. #41979

11:09 a.m. Kristy Rose, ND Resident, testified in opposition and submitted testimony. #42619
#42620

11:17 a.m. Jackson Ingram, ND Home School Student, testified in opposition and submitted testimony. #42674

11:18 a.m. Lucas Graff, ND Resident, testified in opposition and submitted testimony. #42307

11:24 a.m. Patrick Simions, ND Resident, testified in opposition.

11:30 a.m. Kevin Boden, Staff Attorney, Home School Legal Defense Association, testified in opposition and submitted testimony. # 42629

11:34 a.m. Ginger Thomas, testified in opposition and submitted testimony. #42685

11:38 a.m. Adam Rose, ND Resident, testified in opposition and submitted testimony.

Additional written testimony:

#41433, #41466, #41511, #41533, #41536, #41551, #41556, #41589, #41592, #41617, #41619, #41620, #41627, #41645, #41646, #41652, #41666, #41669, #41676, #41679, #41681, #41697, #41702, #41703, #41706, #41732, #41734, #41738, #41741, #41742, #41746, #41748, #41750, #41753, #41754, #41758, #41769, #41776, #41789, #41793, #41802, #41813, #41814, #41816, #41823, #41831, #41834, #41851, #41858, #41865, #41866, #41868, #41902, #41904, #41911, #41912, #41914, #41920, #41927, #41929, #41931, #41935, #41936, #41938, #41943, #41950, #41953, #41984, #41994, #41996, #41998, #42014, #42016, #42022, #42026, #42029, #42034, #42041, #42044, #42072, #42078, #42095, #42097, #42100, #42104, #42110, #42139, #42147, #42152, #42157, #42178, #42194, #42201, #42210, #42217, #42219, #42227, #42228, #42242, #42252, #42261, #42281, #42283, #42288, #42290, #42300, #42308, #42329, #42330, #42341, #42350, #42353, #42357, #42358, #42363, #42366, #42369, #42371, #42378, #42381, #42390, #42404, #42405, #42413, #42425, #42446, #42455, #42456, #42459, #42461, #42462, #42463, #42468, #42479, #42489, #42511,

#42518, #42525, #42532, #42533, #42536, #42548, #42552, #42563, #42569, #42570,
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#42747, #42749, #42751, #42752, #42756, #42779, #42780, #42783, #42785, #42864,
#41687, #41783, #42689, #42719, #41674, #41807, #41835, #41969, #42031, #42304,
#42310, #42496, #42528, #42612, #42682, #42696, #42716, #42736, #42742, #42744,
#42759, #42800, #42801

11:43 a.m. Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

Testimony in regards to Bill 2400

Dear Legislative Assembly:

I am actually against bill 2400 because as a homeschooler I do not wish to accept any government subsidy for educating my children at home. If I accept any subsidy that would obligate me to be subject to the government regulating our homeschool environment in some way such as my children being required to take a standardized test. In any case, this bill probably will pass so I am requesting, along with I hope many other homeschoolers, that a separate designation for homeschoolers who do not accept subsidies will be created or kept in a separate category or designation from ESA homeschoolers so that future laws and amendments down the road will not affect our freedom to homeschool without regulations. So to be clear: there should be two designations: 1) ESA homeschoolers (who accept money for home education and are subject to requirements for this money) and 2) homeschoolers (who do not accept money for education and maintain complete freedom and interference from the government to homeschool.

As a former public and private school teacher I have seen the overreach of government into the education of our children and think they already have too much influence in a negative way. That is why so many public schools are closing as parents pull their children from this harmful environment that has brainwashed them with a social agenda over actually just teaching them reading, writing, and arithmetic. They have overstepped in a huge way. It is a parent's job to teach their children to be honest, respectful, and believe in themselves, to work hard and not be brainwashed by a social agenda of DEI and doubting their gender identity. Two areas in which our country federally as overstepped into the lives of our children where they don't belong. Therefore, I respectfully request that you create or keep the two above designations that reinforce the freedom of educational choice that will not infringe on the rights of those who do not wish to participate in this legislation. Thank you for you time and consideration.

Sincerely,

Jennifer Dorsey

Former Kindergarten/Third Grade Teacher and Homeschool Parent

To the committee:

I strongly urge you to support SB 2400 because not every child thrives in the same school environment. Public schools are not an option for us as a family because our faith is fundamental to our lives and we, as parents, need to provide an education for our children that goes beyond what is available in the public schools. This is a huge financial sacrifice for us as we spend thousands of dollars per year on tuition over and above the taxes that we pay in support of the local public school. This is fundamentally unfair. As parents, we should not be deprived of the support of a public benefit simply because our faith obliges us to provide an education to our children that is religious. Families are the backbone of this state, and it is time that the state provides equitable support to all students in their education, regardless of which school they attend.

Samantha Bice

Minot district 40

Hello House Education Committee,

My name is Aimee Bachmeier and I support SB 2400. I believe as a parent I should have 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 urge you to vote in favor of SB2400. Thank you for your service to the state of North Dakota and for your time reading my written testimony.

Sincerely,
Aimee Bachmeier

Testimony in opposition to SB 2400

As a taxpayer, I am proud to pay taxes to guarantee every North Dakota child a quality public education, even though my own children have long since graduated and become taxpayers in their own right.

I am opposed to spending any public money, any of my tax dollars subsidizing parents who choose to not send their children to the public schools.

Tracy Potter

Chairman Heinert and members of the Senate Education Committee,

I have taught in North Dakota public schools for the past 39 years. I have witnessed educators working tremendously hard to help students succeed and become productive and creative citizens North Dakota can be proud of calling its own.

Public schools welcome every child. As a parent, I observed how my children flourished under the guidance of caring teachers. Public education is the great equalizer in our society: it gives access to every child in rural and urban areas. Students from all economic backgrounds are offered the same opportunities.

The millions of dollars this bill would cost to taxpayers would subsidize school tuition for only a small group of parents. This much needed funding could provide endless opportunities for so many of our children in public schools.

Let us channel tax dollars towards investing in our public schools. Let's keep our focus on providing resources for mental health services and qualified staff that enhance the education of every child.

Vouchers in other States have proven to benefit only a few and have not translated into a formula of success for the majority of students. This bill would reduce resources available to public schools and weaken their capacity to serve EVERY student (regardless of their ability or economic background).

As a citizen who lives on a farm in a rural area, I foresee that this bill would benefit students in urban areas and would certainly create a funding structure not based on equity.

Please vote NO on SB 2400.

Respectfully,
Alicia Bata

I am a North Dakota taxpayer who does NOT want my tax dollars to fund private schools.
We no longer have children in school but know the importance of a good public education.

March 2025 Testimony

SB 2400

March 18, 2025

Chairman Heinert and Committee Members,.

My name is Sara Dudley and I am the principal of St. Michael's Catholic School in Grand Forks. I have served in that role for 11 years. I am here to address the realities of St. Michael's Catholic School and how they counter some of the falsehoods and misrepresentations shared by the opposition to school choice.

St. Michael's Catholic School serves students with special needs. We serve students when we have the resources and staff to accommodate their needs. We would love to serve all students but the reality is that we receive \$0 from the government to do that. The public schools receive money to serve those students so how is it right for them to accuse non-public schools over and over again of discrimination when we are unable to serve those students because we don't have the financial resources to serve them. Instead, we show kindness and love to families to point them in the direction where their needs would be best met because public schools have the financial resources to meet their needs. If we received the funding that they receive, our student profile and demographics would look very different because we'd have the resources to serve more students with special needs. We do the best we can to serve students who have autism spectrum disorder, speech and language disorders, dyslexia, learning disabilities, epilepsy, mood disorders, visual impairment, and hearing impairments without any financial resources from the state. I reject the over simplification of the idea that non-public schools do not serve students with special needs and I ask that you reject it too when considering this bill.

St. Michael's and other non-public schools demonstrate accountability in every way that is asked of them by the Department of Public Instruction. From yearly reports to professional development requirements to highly qualified licensed teachers, non-public schools comply and participate in those accountability measures. Beyond that, non-public schools are accredited by the same accrediting institution that public schools are accredited by, Cognia. We have boards that represent our school's and hold administrators accountable for the mission of our schools that include fiscal responsibility. Most importantly, we are accountable to our parents who choose our schools. This should not be discounted because that parent choice and parent voice is the backbone of school choice. I reject the falsehood that non-public schools are not accountable and I ask that you reject that falsehood too when considering this bill. We are accountable in many of the same ways public schools are accountable, but demonstrate accountability in different ways too.

Lastly, I want to address the falsehood that non-public schools serve the wealthy. At St. Michael's Catholic School, 28% of our student population is on free and reduced lunch and 41% of our students receive scholarships to attend our school. This demonstrates the commitment that parents have to make sacrifices to make the choice that best meets their family's educational needs.

School choice is fundamentally about empowering parents by giving them a voice and the freedom to choose the best educational path for their children, accompanied by the necessary resources and support to make informed decisions. It recognizes that parents are best positioned to understand their children's unique needs and aspirations, and it ensures they have the tools and opportunities to secure an education that aligns with their values and goals.

Thank you for your time and please vote in favor of school choice and parent empowerment for North Dakota. I will stand for questions from the committee.

March 14, 2025

Dear Members of the Senate Education Committee,

I am writing to express my strong opposition to Senate Bill 2400, which seeks to implement an educational voucher program in North Dakota. As a dedicated educator with 21 years of experience working in a North Dakota public school, and as a parent of six children who have all graduated from the North Dakota public school system, I firmly believe that public funds should remain in public schools.

Public education is the foundation of a strong, equitable society. Voucher programs divert critical resources away from public schools, leading to reduced funding, fewer resources, and a diminished quality of education for the majority of students. Since state funding is allocated on a per-pupil basis, every student who utilizes a voucher takes funding away from their local public school, forcing budget cuts, staff reductions, and fewer opportunities for the children who remain in the public system.

Furthermore, vouchers do not ensure equal access to quality education. Private schools are not required to accept all students, particularly those with disabilities or special needs, leaving some of our most vulnerable students with even fewer options. Additionally, vouchers often fail to cover the full cost of private tuition, meaning that low-income families are less likely to benefit from these programs, while wealthier families receive public funds to supplement their private school choices.

Accountability and transparency are also significant concerns. Unlike public schools, private institutions that receive voucher funds are not held to the same rigorous standards, making it difficult to assess how taxpayer dollars are spent or whether students are receiving a high-quality education. Public schools are required to meet strict educational standards and provide services for all students, whereas private schools operate under fewer regulations with little oversight.

Beyond financial and accountability concerns, voucher programs risk increasing segregation within our education system. Private schools can be selective in their admissions, leading to stratification based on socioeconomic status, race, or religious affiliation. Public education should foster diversity and inclusion, ensuring that all students, regardless of backgrounds, have access to the same quality of education.

Ultimately, voucher programs undermine the public education system by shifting funds away from schools that serve the majority of North Dakota's students. Public schools are not businesses; they are pillars of our communities, tasked with educating every child, regardless of ability or background. Our focus should be on strengthening our public education system, not diverting resources to private interests!

I urge you to vote against Senate Bill 2400 and to continue supporting policies that invest in and improve our public schools. Our children, families, and communities deserve a strong and well-funded public education system that benefits all, not just a select few.

Thank you for your time and consideration.

Sincerely,

Angel Lindseth

Subject: Opposition to Senate Bill 2400 (Educational Savings Accounts)**Testimony of Alexis Rasset, Mandan Public Schools (Parent & Special Education Teacher)**

Honorable Committee Members, thank you for your commitment to North Dakota's students and families. I am both parent of a junior at Mandan High School and Special Education Teacher within the Mandan School District. While I value parental choice in education, I strongly oppose House Bill 2400 as currently drafted.

My primary concern centers on accountability. Public schools are rigorously audited and transparent in their financial management. This bill, however, lacks sufficient public oversight for private institutions receiving public funds through Educational Savings Accounts (ESAs). Taxpayers deserve assurance that their money is being used effectively and responsibly. Diverting funds without robust public accountability undermines this principle.

Furthermore, the argument that private schools achieve superior test scores overlooks a crucial factor: selective enrollment. Private schools can choose their student body, potentially excluding students with academic or behavioral challenges. Public schools, conversely, are committed to educating *all* children, regardless of their needs or backgrounds. This creates an unfair comparison.

Rural schools, vital to their communities, will be disproportionately harmed by this bill. ESAs will drain resources from these already financially strained institutions, offering little to no practical choice for rural students due to accessibility issues.

Instead of diverting funds, we should invest in strengthening our public schools. Equitable access to high-quality education for all North Dakota students, regardless of location or economic status, should be our priority. I support parental choice in supplemental services like tutoring and counseling, but not at the expense of our public education system, especially when private institutions lack appropriate oversight.

In conclusion, Senate Bill 2400 jeopardizes the foundation of public education in North Dakota. It lacks the necessary financial accountability and will exacerbate existing inequalities. I urge you to reject this bill and prioritize the strength and accessibility of our public schools.

Thank you for your consideration.

March 7, 2025

Chairman Heinert and members of the House Education Committee,

My name is Collin Pigeon. I am an educator in North Dakota and live in District 9 in Rolla, ND. This is currently my 8th year as an educator, and I teach Junior High English and High School Social Studies. I greatly enjoy working in our state as it has been my home all of my life.

I am writing this letter to you today concerning SB 2400. SB 2400 would create an Education savings account program for students in our state. I urge you to vote against this bill as constructed and give it a DO NOT Pass recommendation. It benefits private school students at the expense of our public school students, who make up the majority of students in our state. In my view, It is also a threat to religious liberty in our state and goes against "separation of church and state." It is also not fiscally responsible and comes with a potentially high sticker price of 60 million per year.

This is a bad bill for a wide variety of reasons. Homeschooling and private schools are important parts of the education system in the US, and I have great respect for them. At the same time, public school is the anchor of the American education system. It has been since our founding as a nation and was an integral part of developing our American Democracy. Public schools' importance is especially true in ND as many children live in rural areas where private schools are not an option. Funding going to other schools is money taken from those rural public schools most ND children rely on. I understand the argument made that this is new money being allocated. Still, though, the money comes from taxpayers and could be put toward public education.

I get that public school students can get funds too, but they only get \$500 to the private school student's potential \$3,500. I am against a private school student getting tax dollars at all, especially in such a case of inequity. If the savings account bill had everyone at that lower dollar amount, it would improve the bill in my eyes. If the bill was only for students of public schools, at that \$500 amount, I would think it would be worth passing. The price tag of this bill(\$60 million per year?!) is far too high, and that money would be better allocated to the general education bill spending being worked on. As a fiscal conservative, the price tag is far too steep in its current form.

There are many reasons why private schools should not get tax dollars. And in my view, if the money is given by the students and their parents to the private schools it is as good as just giving it to them. Private schools do not have to answer to the state for how they spend money like public schools do. They are not also held to the same standards in terms of accommodating students. As a class B school educator, I truly believe that the variety of students we educate makes our school community stronger. However, educating students on IEPs or students with other disabilities adds extra costs and time requirements for public schools. Private schools do not have to accept these students. If private schools are going to get this extra funding, they should be subject to the same requirements as public schools.

We live in a state and country where parents have choices about how to educate their children. SB 2400 would now ask others to help pay for parents' choices to attend private schools by establishing a savings account that could be used to make payments to those schools. As a general principle, I do not think private schools should get taxpayer funding. I favor a broad interpretation of the Establishment Clause in keeping with the vision of "separation of church and state" outlined by our founding fathers.

I am concerned about this bill's effect on religious liberty. In *Carson v. Makin* (2022), <https://www.oyez.org/cases/2021/20-1088>, the Supreme Court ruled that funding given by a state to private schools needs to go to religious private schools equally. In our state, we have a number of private religious schools. This means this bill will send taxpayer dollars to schools that promote a certain religion. To reiterate, this violates our country's long-held separation of church and state ideals. North Dakotans' tax dollars would potentially fund religious institutions that conflict with one's own religion. Tax money collected from Lutheran North Dakotans should not have to fund private Catholic schools and vice-versa. Christians' tax money should not have to go to a potential private Hindu or Islamic school should either one day be in our state. The government should not entangle itself with religion in this way by funding private religious schools, even in this indirect manner.

Again, I take no issue with accredited private schools, no matter their nature, but I do with them getting funds that should go to public secular education. Private schools should not get funds from the government in this manner. Religious liberty needs to be protected across our state, too. Giving funding to private religious schools harms religious freedom. While this bill is well-intentioned, I think it is not fiscally sound, bad for rural ND, and favors private school students in a morally and legally wrong way. Please vote NO on this bill or amend it to improve it to address some or all of the issues it possesses. It was a close vote in the Senate, and I hope the House can come through and address these issues. I appreciate your time and consideration. Please contact me with any questions or thoughts at Collin.Pigeon@gmail.com. Thanks for all you do to represent our state. Truly, as a Social Studies teacher, I know how thankless and important the job of a state legislature is.

Thank you,

Mr. Pigeon

Rolla, ND

I am writing in opposition to SB2400 or any other bill that will take money away from public education in the state of North Dakota. I am a parent of students in the Fargo Public School system. My oldest son is a proud graduate of the public school system in ND. He excelled and is now at Vanderbilt University studying Biochemistry. My other son is a Junior at South High in Fargo and hopefully moving on to a prestigious college with a successful public education.

Taking funds from our public schools would be detrimental to the success of all students and it is our state's responsibility to use public funds for public schools. That means the state of ND must support all students regardless of ability, or financial status. Private schools can discriminate for any reason and will leave deserving children in the cold. Anyone with disabilities, such as ADHD or physical impediments, will be overlooked. If our schools lose money, the success rate of our students will drop drastically. The voucher amounts are not enough for middle class families to "choose" private and will leave them to suffer in an underfunded public system.

We are a proud public school family and proof that success can be found with the support of the state for public education.

Sincerely,

Amanda Wilkinson

March 14, 2025

To Members,

Sponsors and proponents of SB-2400 are asking taxpayers to support parents who choose to send their children to private schools.

It seems the conversation is not so much about supporting a child's education as it is about supporting a parent's religious beliefs.

Parents have every right to their religious beliefs and the right to choose a school which serves those beliefs.

It is their responsibility to pay for that right.

I believe education is so important and so feel my responsibility is to voice my hope that my tax dollars support and go equally to all children.

Thank you for your consideration,

Linda L Axtman

SB-2400---Oppose

Hello Chairman Heinert and committee members.

My name is Scott Grote and I farm in NW ND. I strongly oppose SB2400 because I believe it takes funds away from public schools. I want my tax dollars to go to public schools. In my part of the state the nearest private schools are in Minot which is 90 miles from me and Williston which is 80 miles from me and feel this bill is very unfair to rural areas. I believe public schools are held to a higher standard than private schools. My cousin sends their children to private school and this was very evident to me. This would take away funding from public schools. North Dakota has to keep a high standard of education for their children and I feel this will take away from that. I do not believe I need to help fund tuition for families that have chosen to send their children to private schools since that is the parent's choice. I have read vouchers in other states only help a few not all. These are a few of the reasons I strongly oppose SB2400. I encourage you to vote NO.

I would like to give my public written testimony to this measure.
We must NOT pass either SB 2400 or HB 1540 in any way shape or form.

My tax dollars have been, and always should be designated for PUBLIC SCHOOLS only.

Many of our rural schools are on the brink of financial collapse as they attempt to follow state DPI guidelines. By diverting my tax dollar to private schools or home school vouchers you are taking away from rural North Dakota.

I am a 4th generation North Dakotan and my Grandchildren are 6th generation. We have all attended public education and have or will become integral parts of ND society.

I can not see how destroying rural schools is going to be 'better' for anyone.

Our state constitution specifically states that ALL students are intitled to free public instruction.

If someone wants to send their child to a private school, that is their decision and I should not be forced to pay or give up anything for someone else's personal preference.

At the Heart of any community is its school district, I feel the smaller rural schools are more so the center of a community.

We have lost too many of these fantastic schools and the communities are soon to follow.

My daughter attended one such school that was forced into cooping. Her and her 2 other classmates were preforming at 5-7th grade levels when they finished the 2nd grade. This education was far and away some of the BEST education provided her. Not all small schools are 'bad' and not all large schools are 'good'.

PLEASE see the common sense and do not fund private schools with our tax money. Continue to build the HEART of rural North Dakota instead of ripping it apart!!

Sincerely,
Michael J Sandy
Oakes ND

I am Matt Nielson, a member of district 24 living in Valley City.

I am wholeheartedly against using public funds for private schools in whatever form they present themselves. Be it direct payment, a voucher, a 'savings,' a tax credit, or any other way.

Our State Constitution in Article VIII Section 2 states

"The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education."

If we fund private schools, we are not following our constitution.

Also, the use of public dollars to fund private schools in other states has deteriorated the level of overall education of those states. (See Michigan)

Instead of funding private schools, I would suggest better funding public education so we can pay our teachers competitively and have adequate facilities to enhance education.

Thank you for taking this information into consideration.

Matt Nielson
District 24 Constituent

I am writing to urge you to oppose SB 2400.

SB 2400 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.

It also appears to violate the state constitution, article VIII, Education: Section 5. 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.

Please vote no on SB 2400.

Thank you for your time and consideration.

RE: Opposition to SB 2400

As a citizen of North Dakota, I oppose using our state tax dollars for individuals wanting to educate their children at private or parochial schools. This state is almost rural, and to take away tax dollars from public education is wrong. North Dakota's tax dollars can be used for other items, especially since we don't know what will happen to funding from the federal government, rather than giving money to those already rich enough to pay for private schools. If you don't know, parochial schools associated with the Catholic church have benefactors who give money to poorer families wanting to attend their schools. The state would be giving money away with no accountability, too, because these schools don't answer to the Department of Public Instruction.

Dannah Schaffer

Minot, North Dakota



**Testimony of
Jennifer Feist, Director of Development
Valley City-Barnes County Development Corporation
Valley City, ND**

SB 2400 (In Opposition)

Representative Pat D. Heinert and Members of the House Education Committee

I have served as the Director of Development for Valley City-Barnes County for nearly 38 years. I am keenly aware of the workforce challenges, the importance of quality education and the impact to business and community growth across the State of North Dakota.

I am in opposition to SB 2400 (Re-engrossed) that establishes an education savings account program for several reasons.

- 1) The \$22.8 Million in 2026-2027 plus \$3 Million for administration should be/must be invested in the public school system that serves over 118,000 public school students.
 - a. Our public schools have served the State of North Dakota incredibly well for decades. Valley City Public School was rated the highest in the State in Choice Ready in 2024.
 - b. In a press release dated January 29, 2025, Superintendent Kirsten Baesler stated that North Dakota students outperformed national averages in mathematics in the newest results for the National Assessment of Educational Progress (NEAP). In fourth-grade mathematics, five states had higher average scores than North Dakota and six states had higher average scores in eighth-grade math.
- 2) SB 2400 (Re-engrossed) is problematic and far more costly.
 - a. Funds are granted to students until the student graduates high school or reaches twenty-one years of age, regardless of household income. An eligible use of funds is tuition and fees at an eligible postsecondary institution.
 - b. Are we providing the same opportunity for students in public schools?
- 3) SB 2400 (Re-engrossed) Governance
 - a. The bill calls for the Superintendent of Public Instruction to administer the Program or contract with a third-party entity to administer and audit the Program.
 - b. Are we setting up a new agency and related operating costs?
 - c. How and who will be policing, monitoring, and enforcing the provisions of this bill and at what cost?
 - d. The Superintendent of the Department of Public Instruction may not regulate the educational program of a participating school (nonpublic) or education service provider that accepts funds from an education savings account. The creation of the education savings account program does not expand the regulatory authority of the

state, its officers, or a school district beyond the regulations necessary to enforce the requirements of the education savings account program.

- e. Where is the accountability to the citizens of North Dakota for this Program?
- f. A multimedia marketing program is included. Who and how will the marketing campaign be executed and at what cost? Are we providing the same opportunity and funding to public schools?

North Dakota's public schools must be our priority. Funds must be invested in school buildings, equipment, curriculum, Career Centers, wages, additional innovation, STEM, and more to meet the needs of students and employers. This is critical.

We raise our children to be accountable. SB 2400 (Re-engrossed) utilizes \$22.8 Million plus \$3 Million in marketing funds with no accountability. Our public schools have served the State of North Dakota with remarkable success and have earned investment by the State of North Dakota. I urge a no vote on SB 2400 (Re-engrossed). Thank you.

Members of the House Education Committee,

My name is Melissa Buchhop and I am a 4th grade teacher in the Grand Forks Public Schools. I also have 2 children attending the Grand Forks Public Schools. I urge a DO NOT PASS on SB 2400. 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 or homeschoolers. Taxpayer money is for public entities.

In the state of North Dakota, all parents have the right to choose where to send their children; either to homeschool them, send them to a private school, or to a public school. Public schools are responsible and obligated to the state for standards, practices and overall accountability. 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.

ESA's have a habit of costing states more than anticipated as well. Iowa enacted ESA's last year, and saw a bill of 218 million dollars on the state government, over double what was originally voted on and agreed to. Arizona overspent on their version of ESA's this last year, causing a budget shortfall, requiring the state to slash funding to other public programs to keep the budget afloat. The state of our schools in North Dakota cannot handle this drop in funding.

We should be investing any additional available money into strengthening our public schools (our teachers, support staff, mental health resources, and students), which are for everybody. We need the legislature to invest in public education, not dismantle it.

Thank you for your time and consideration.

Sincerely,
Melissa Buchhop

What if I don't have a choice?

Hello Chairman Heinert and committee members. Thank you for the opportunity to testify today in opposition of SB 2400. My name is Sheila Peterson, I am a physical education teacher at Wachter Middle School in Bismarck, the 2024 North Dakota State Teacher of the Year, and **the parent of a child who didn't have a choice.**

In 2013, when my daughter was 2.5 years old, she got kicked out of three daycares in a month. The last one happened to be the same day I was accepting my Wachter Middle School Teacher of the Year award. On that day I got a call to come pick her up at 2:30. When I arrived, my daughter was standing on top of a table in tears, the workers circled her also in tears, one said to me, "Something is wrong with her, she cannot come back here." At this point, I took my daughter to my award ceremony, stood in front of my colleagues with a 60-pound baby giant asleep in my arms, as she had been exhausted by the stress of her day. You may wonder, what did I say in my acceptance speech? The speech was a simple tearful three words, "I NEED HELP." I said, "I apologize, I can no longer deliver a speech today, I thank you all for this amazing honor, but I need new daycare tomorrow."

As I searched for a new place for my daughter, I thought Montessori and private school might be the best option for her pre-schooling. I called and left three very detailed messages at the local private schools that offered early childhood and did not even receive a response. I did get one Montessori to call me back and let us in. I paid the deposit and the first two months tuition in advance because I knew she was going to be a challenging student. By noon of her first day, I received a call stating I needed to pick her up, it wasn't going to work out because the parents who send their kids there have high expectations, and my daughter was not going to work with her other clientele. She said she couldn't have parents calling and upset. My daughter was kicked out of her pre-school, and it wasn't up to us. In other words, **we did not have a choice.**

Thankfully, I also reached out to our public education system, who took my phone call and directed me to early intervention screening. My daughter was given the opportunity to attend her elementary school in the early childhood classroom. Each day, I waited for the dreaded phone call telling me she "no longer worked with their clientele," but it never came. My daughter was given her Autism diagnosis at the age of 2.5, at her school she was given access to 2 instructional aides at times, occupational therapy, physical therapy, and speech therapy. When she received this diagnosis, I remember worrying about a million things. I asked myself the following questions:

"Will she ever learn to tie her shoes?" She would learn.

"Would she ever learn her letters of the alphabet and their sounds?" She would learn.

"Would she ever learn to read?" She would learn.

"Would she ever go a day without having a meltdown?" She would be taught self-regulation, and she would learn. Not only that, she would win one of four school citizenship awards given that year, the ROUGH RIDER AWARD.

"Would she ever not have to be followed around by an aide all day?" She would become independent.

"Would she ever understand her math and not need remedial math?" She would take Algebra 1 in high school.

"Would she ever be on the honor roll?" She is.

"Would she ever win a Varsity letter?" She has 2.

"Would she ever get her permit?" She has.

"Would she ever compete at state?" She has. The list goes on and on.

This list is here because of the public educators and education support professionals that never gave up on my child. You see, in the beginning she never had a choice, **public school gave her that choice.**

What I'm getting at is this: **are we truly proposing choice for every child in North Dakota? My family didn't have a choice.** I cannot help but wonder how the money being proposed to fund private school tuition could instead be used to benefit every child in North Dakota, children like my daughter. How much more successful would North Dakota's students be if every child had the opportunity to receive a quality early childhood public education, not just the kids private schools are willing to accept. Imagine if the 90% of North Dakota students that attend public schools entered kindergarten ready to learn on day one. As a parent and an educator, I think there are plenty of ways we can improve education in North Dakota. But this isn't it.

For these reasons, I am asking for a DO NOT PASS recommendation on HB 1540. I thank you all for your service to the citizens of this great state that I have been so proud to represent this past year, and I'm happy to answer any questions you might have.

To the ND Legislature:

I write in strong opposition to SB 2400, which would provide taxpayer dollars for private school tuition.

- The majority of communities in our great state do not even have a private school option, so the rural folks would help subsidize an option realistically only available to city dwellers.
- We need to direct as many resources as possible to our public schools; our teachers are underpaid and many are discouraged.
- Honor the constitution by keeping church and state separate. Do NOT allow public dollars to fund religious organizations.
- And don't we all envision those religious, private schools as reflecting Christian values? And yet I presume a private school founded upon a violent ideology could also qualify. How would the citizens of ND feel about that?

We are a proud state of hard-working, values-driven people. And one of those values is respecting the separation of church and state. We enrolled our own child in a religious private school years ago---and would **never** have expected public dollars to help fund that choice of ours. Please do NOT use our tax dollars in *any way* for private tuition.

Mona Rindy
Rural Portland, ND

Birgit Pruess, Ph.D.
3696 Harrison St. S
Fargo, ND

March 14, 2025

RE: SB2400

Dear members of the 69th Legislative Assembly of North Dakota,

I am a resident of Fargo, ND. Please, accept the below as my testimony IN OPPOSITION of SB2400, to “create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to the establishment of the education savings account program; and to provide an appropriation”.

I am generally against using tax dollars to fund private schools. I am all for choices, but choices come with consequences and one of those may be that you will have to pay for your choice. I don't see anything wrong with this. But tax dollars are public dollars and should be used for public services. Especially now when we don't know how many federal dollars will still flow into our State. We should keep our money together and use our precious tax dollars for public services. And I consider public education one of the more important of such services. There is no future without educating our young. ALL of them and not just the ones the private schools will deem acceptable.

I highly recommend a DO NOT PASS vote on this bill.

As in all my testimonies, I much appreciate the hard work and dedication that each member of my state legislative assembly puts into our state. Thank you.

Sincerely and respectfully Birgit Pruess,
Ph.D.

March 12, 2025

Dear members of the committee:

My name is Virginia Clinton-Lisell and I'm an associate professor of Educational Foundations and Research at the University of North Dakota. I am sharing this testimony as a private citizen and not speaking on behalf of UND. I am submitting this testimony to inform the committee as to the research evidence on how public funds for private school tuition (through vouchers or educational savings account). I am mentioning my position to clarify that I am an expert in the field of education research. I have been involved in training or practice of education research for almost twenty years and have over 60 peer-reviewed publications.

Below are main findings from recent journal articles on the topic in italics.

Based on 8 years of student data from 45,000 students in Indiana, vouchers lead to private schools "pushing out" low performing students into public schools. This led to lower overall performance in public school. The authors concluded that state funds for private tuition worsens education for the students who struggle the most in school.

Waddington, R. J., Zimmer, R., & Berends, M. (2024). Cream skimming and pushout of students participating in a statewide private school voucher program. *Educational Evaluation and Policy Analysis*, 46(4), 795-803.

This is an analysis of a voucher system in Louisiana for low income families and how it lead to a drop in English Language Arts and math scores on standardized exams for students who received vouchers.

Mills, J. N., & Wolf, P. J. (2017). Vouchers in the Bayou: The Effects of the Louisiana Scholarship Program on Student Achievement After 2 Years. *Educational Evaluation and Policy Analysis*, 39(3), 464-484. <https://doi.org/10.3102/0162373717693108> (Original work published 2017)

The patterns noted in Louisiana were similar in Indiana in a voucher program for low-income students. According to this study's analysis, students who received vouchers performed worse on mathematics assessments.

Waddington, R. J., & Berends, M. (2018). Impact of the Indiana Choice Scholarship Program: Achievement effects for students in upper elementary and middle school. *Journal of Policy Analysis and Management*, 37(4), 783-808.

This is a synthesis of 39 studies on the enrollment of students with disabilities in public and private schools in 31 states with public funds for private tuition. Based on these results, there is substantially lower percentages of enrollment of students with disabilities in private schools than public. The authors cite evidence that private school administrators discourage parents of

students with disabilities from enrolling, not allow students with disabilities to enroll, and remove students with disabilities who are enrolled.

Senese, J., & Winters, M. A. (2024). School choice and students with disabilities: Evidence from administrative data. *Remedial and Special Education*, 07419325241262699.

This is a report from the Economic Policy Institute that explains how public funds for private tuition harm funding for public schools. It includes an excel spreadsheet that calculates the impact of an individual student.

Wething, J. (2024). *How vouchers harm public schools* Calculating the cost of voucher programs to public school districts. <https://www.epi.org/publication/vouchers-harm-public-schools/>

Similarly, this is an analysis of how Arizona's educational savings account program has been much more expensive than estimated. Over 5,000 public school teachers in Arizona could have been hired to help address teacher shortages with the net cost of ESAs.

Griffith, M., & Burns, D. (2024). Understanding the Cost of Universal School Vouchers: An Analysis of Arizona's Empowerment Scholarship Account Program. *Learning Policy Institute*. <https://eric.ed.gov/?id=ED642536>

Thank you for your consideration,

A handwritten signature in cursive script, reading "Virginia Clinton-Lisell".

Virginia Clinton-Lisell



To Whom it may concern;

My name is Joe Drumm. I'm reaching out in opposition to SB 2400, a bill which takes public dollars and moves those funds to support private schools (otherwise commonly known as vouchers).

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

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

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

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

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

Thank you for your time,
Joe Drumm



Sources:

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

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

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

Chairman Heinert and members of the House Education Committee – SB2400

As a parent of a high school student in Bismarck, I strongly oppose SB 2400 which would divert tax dollars away from public schools. Tax dollars should only fund public education. If a family chooses to send their children to a private school that is their choice, but that choice should not have an impact on the funding needed to provide quality education in public schools.

When my daughters were in elementary school I served as president of the PTO and had the opportunity to work along other parents and teachers from our school to make sure additional resources were available to enhance the learning environment and opportunities for all children irrespective of their socioeconomic status. Instead of trying to divert resources from public schools, the legislature should be providing additional funding to make sure public schools have the resources necessary to provide the best education possible for the future residents of North Dakota. Provide funding for the common good, public Schools.

Please support public education vote no on SB 2400.

Gary Feist

Good afternoon members of the Senate,

My name is Danielle Wangler. My testimony is on behalf of myself as a parent and does not represent a position of any public school entity.

I write my testimony in **support of Senate Bill 2400**.

I am a proud single mom to a 15-year-old boy who attends Bishop Ryan Catholic School in Minot. I have been involved in education, in some form, for over 17 years. In high school, I taught Sunday school classes and was a part of a program that tutored peers and elementary students. Since then, I have attended college and obtained several degrees. I have been an educator in the Minot Public Schools system for 11 years. This year is my third year as an elementary school counselor. I am also an assistant cross country and track coach for Bishop Ryan Catholic Schools. I have had the opportunity to work with a variety of students, both in public and non-public school settings, from age ranges of 3 to 18 years old.

I grew up in a traditional catholic family and have always valued the teachings and beliefs of the Catholic faith. When I became a parent, I went through a spiritual journey that was powerful and, honestly, is the reason I was able to be successful in my education while being a single mom. That spiritual journey and the support I received from my family and faith, made an impact on my son. In second grade, he expressed an intense desire to learn more about his faith. When asked the common question of, "What do you want to be when you grow up?" his response was "a priest".

In order to provide the best I could for my son, I sought guidance from my family, particularly my grandpa, and priests and educators in our church. I found encouragement and support for things I could do at home that I practiced with fidelity. Even with that support, I knew it wasn't going to be enough for my son. I felt as a parent, I had to do more for my son's thirst for learning about his faith and explore what it means to be what he wanted to be when he grew up, a priest.

I quickly realized that the public school system could not accommodate his particular learning style and interests to reach the goal of being a priest. Throughout my years as an educator in addition to all of the professional development I've received, I have learned that each student has a unique learning style and external factors that contribute to their willingness and ability to learn in a classroom setting, eventually leading them to successes later in life.

Public school could not accommodate my son's need for learning about his faith, and his interests and need for faith-integrated education was controversial at best. As a parent, I could not shake the feeling of doing him a disservice by sending him to a public school that would tell him his beliefs and faith-filled questions could not be answered and were actually discouraged. I also knew as a single parent with no co-parent support, the financial aspects of providing him with the education he needs was going to be substantial on a teacher's salary.

When my son was in fourth grade, I made the choice to send him to Bishop Ryan Catholic School because his need for knowledge of the Catholic faith continued to grow and his love of learning was being sacrificed in the public school setting. I continue to sacrifice and strive for a faith-based education because I know it is the only place that could best meet my son's individual need for learning not only for academics, but the faith, morals and virtues he desires to live by.

I believe in public schools. I believe in non-public schools. In the end, the financial support given should be about the student and their individual needs. I financially support public schools and non-public schools and believe that as long as the funding is for the benefit of students, then it is a good investment. I believe that change is needed so that all students in North Dakota will have the opportunity to have an education that meets their individual needs. House Bill 1532 supports the current need for change so that all children have a right to an education that suits their needs and interests. **My son and I would greatly appreciate your support for Senate Bill 2400.**

Thank you for your work on the Education Committee,

A handwritten signature in black ink that reads "Danielle Wangler". The signature is written in a cursive, flowing style with a large initial 'D' and a long, sweeping underline.

Danielle Wangler

House Education Committee,

My name is Dr. Nick Emmel and I live in District 32. My wife (Lauren) and I are both teachers and we currently have five children enrolled in private education at Light of Christ Catholic Schools. The decision to enroll our children in private education is a serious financial commitment. Lauren and I believe in this commitment to our children's education and we believe that their private school education forms young people not only for the common good of North Dakota, but also for the education of our children toward eternity in Heaven. This is a unique type of education that is not found at every school. The sad reality is that there are currently many families we come in contact with who desire this same kind of education for their children, however they are unable to afford private schools due to the rising costs of education.

I believe that SB 2400 will provide parents support, voice, and choice in finding the most appropriate education for their children and I think this autonomy will bear great fruit for the future of North Dakota.

I support SB 2400, and I am in support of all school choice bills that include parent autonomy, the right to provide a faith-filled education for my children, and alleviate some of the financial burdens on parents who desire this unique education for their children.

I also support SB 2400 because I am a teacher and parent who understands that support of private schools (by supporting families who enroll students in private schools), is a great benefit for North Dakota private school education at large. As you know, the majority of private schools are non-profit organizations that often struggle to keep their doors open. Over the past 75 years, we have seen many private schools come and go in North Dakota, particularly in the rural areas of our state. I think this is a great tragedy in our state's history, and I believe that school choice bills like this one will preserve the educational landscape of North Dakota amid rising costs and modern changes in education.

I urge you to vote in favor of SB 2400. Thank you!

Sincerely,

Dr. Nick Emmel
Parent
Teacher
St. Mary's Central High School

Dear Chairman Beard, Chairman Heinert & all Members of the Education Committee,

I am writing in opposition to SB2400 which would set up ESAs for non-public school students.

On Feb. 25, 2025, the following statement was shared in support of a different bill (HB1540) on the House Floor; right before the House Members voted on it. "Scholarships, ESAs, and vouchers are a few examples of mechanisms that can make school choice a reality for every family; leveling the playing field and providing equal opportunities for all students."

These types of statements continue to be a false narrative coming from lobbyists, outside interests, and ND legislators who support the plan to fund non-public schools by way of ESAs and vouchers. Ironically, it is the non-public schools that HOLD ALL THE CARDS and do not accept every child applying to attend. Some families are devastated when their child is not accepted or no longer allowed to attend the school in which they have made the choice to attend. No entrance for orthopedic needs, severe learning disabilities, behavioral needs, English language learners, severe speech/language, severe neurodivergent disorders, attendance factors, etc. The non-public school administrators will testify about students who are accepted with special needs or IEPs, but there are very few and with minimal specialty services.

When public tax dollars from government funds are used to fund a non-public school, our citizens should expect those schools to ACCEPT ALL students. Accepting all students would provide "equal opportunities for all students" as stated on the House Floor. If public dollars are made available to help families afford tuition costs, then ANY child should be accepted. This would "level the playing field" as stated above.

In our larger North Dakota cities, the choice for different school settings is already available. Accepting every child in a non-public school is not available. So the narrative coming from legislators to "provide equal opportunities for all students" is deemed false.

I am asking to VOTE NO on SB2400

Amy Neal

Minot Kindergarten Teacher

2016 ND Teacher of the Year

March 14, 2025

TO: Honorable Members of the House Education Committee

FR: Benjamin & Anne Chambers – District 35

RE: SB 2400

Dear ND House Education Committee Member:

We are writing to urge and encourage your support for SB 2400 and to vote with a **DO PASS** recommendation. This bill was heard and supported by the North Dakota State Senate.

This bill would provide tuition assistance to those families who financially sacrifice to enroll their children in a private school environment. The majority of these individuals (including us) contribute financially to fund our public schools through the property taxes incurred.

By way of background, both Anne and I are blessed with two young children and for various reasons we relocated from South Dakota to North Dakota to serve in Bismarck as teachers in a private school. As you are aware, the salaries and benefits offered for private school teachers are less than a public school. However, for numerous reasons this is a sacrifice we were willing to make.

We have enjoyed living in North Dakota and look forward to raising our children here. Your support of this legislation would be greatly appreciated and most timely!

Thank you in advance for your consideration and support.

Benjamin & Anne Chambers
2245 Grant Drive
Bismarck, ND 58501
701-426-0917
Bdchambers2012@gmail.com

March 14, 2025

TO: Honorable Members of the House Education Committee

FR: Wayne & Valerie Jundt – District #8 Burleigh County

RE: SB 2400

Dear ND House Education Committee Member:

It is our understanding that SB 2400 will be heard by your committee during the week of March 17, 2025. This bill would provide a small amount of financial support to those families who financially sacrifice to enroll their children in a private school environment.

For numerous reasons, we believe this is a prudent and responsible way to support our North Dakota tax paying citizens and invest in our school aged children.

It is important to point out that we are NOT opposed in any way to public education. In fact, Wayne served as a Nationally Certified School Counselor in the North Dakota public education system for nearly 30 years. Our public schools and teachers work hard to serve the children of this state; and the members of our legislative body have historically committed **millions of dollars** to the public education system.

North Dakota has the financial resources available to support this legislation and NOW is the time to provide and support those tax paying citizens who for various reasons choose to enroll their child in a private school environment.

We are writing to urge and encourage your support for SB 2400 and to vote with a DO PASS recommendation.

Thank you in advance for your service and commitment to support all citizens of our great state!

Wayne M & Valerie Jundt
3202 84th Avenue NE
Bismarck, ND 58503
701-471-3312
vjundt@yahoo.com

FORT RANSOM SCHOOL DISTRICT NO. 6

135 MILL ROAD, FORT RANSOM, ND 58033-4011

PHONE 701-973-2591, FAX 701-973-2491

<https://www.fortransomdsd.us/>

Testimony in Opposition to Senate Bill 2400

Chairman, Members of the House Education Committee,

I am writing to express my strong opposition to SB 2400, the Education Savings Account (ESA) program. As a long-time educator and school administrator in rural North Dakota, I believe this bill will significantly undermine public education in our state, including the Fort Ransom School District.

Fort Ransom School District currently serves K-6 students in a small, rural community. Our nearest private school is over 40 miles away and is limited to Catholic education for elementary students, while the next closest private schools are more than 80 miles away. Given that we are a K-6 school and private options are not feasible for our students, Fort Ransom is the primary educational institution for our children. We rely heavily on state and federal funding, as well as local tax dollars, to provide the essential services our students need.

SB 2400 would divert public funds to private schools through the ESA program, reducing the already limited resources available to public schools like ours. As a small district, we are particularly vulnerable to such reductions in funding, which would negatively impact our ability to offer specialized services such as special education, extracurricular activities, and academic support. In fact, we partner with Lisbon Public Schools for services like special education, 7-12 education, and transportation through our cooperative agreement. Any reduction in public school funding will make it increasingly difficult to sustain these valuable partnerships.

Moreover, the bill's delayed implementation does not give rural districts like ours adequate time to plan for or adjust to the loss of funding. It is critical that we focus on policies that strengthen and support public schools, ensuring that every student, regardless of their family's income or location, has access to a high-quality education.

I urge you to reconsider this approach and focus on policies that reinforce our public education system, rather than diverting essential funds to private alternatives that do not serve the needs of our rural students.

Thank you for considering my testimony. I urge the committee to vote against SB 2400.

Sincerely,

Dr. Steven L. Johnson

Superintendent, Fort Ransom School District #6

I strongly oppose SB 2400 because it diverts critical funding away from our public schools, hurting students, teachers, and communities and gives it to people who are making the personal choice to remove their children from the public education system. As a taxpayer, I believe public money should support public education—not private schools that can pick and choose their students. My grandchildren and my students deserve fully funded schools with quality resources, experienced teachers, and strong programs. This bill threatens that by taking funds away from the schools that serve the vast majority of North Dakota's children. As an educator and a grandparent, I can't support a policy that undermines the foundation of public education and would damage my livelihood, MY students' education, and MY grandchildren's future which will impact North Dakota's future as well.

Testimony opposing public money from going to private schools:

This is in the ND Constitution:

ARTICLE VIII EDUCATION

Section 1. 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 insure 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.

I oppose any efforts that will take public dollars from public schools. To do so would hinder the ability of the state to maintain the current public school system. Moreover, many private schools may be run by churches or religious groups and therefore would violate the provision "free from sectarian control". I see a lawsuit coming from more than one direction. Let's not invite trouble.

I, my husband, and children all went to public school. These varied from a large city to a country school graduating under 20 seniors. We did just fine learning the basics 3R but also more or less how to get along with peers and teachers of varied backgrounds. We learned that life isn't always fair or nice or black and white. Rather, it's important to be able to think for oneself, based on the best knowledge available and one's own values but also acknowledge others' lived experiences.

Parents have the choice to homeschool their kids if they have the time, money and/or interest; they also have the right to send them to a private school if available. But my tax money should not be used to subsidize educational entities that are not "open to all children of the state".

Honorable Legislators:

Please VOTE NO DO NOT PASS SB 2400, the education savings program account bill, donating state taxpayers' money to private school expenses for families. "Private school" means private—it is paid for privately, at the choice and discretion of the PRIVATE CITIZEN, not out of taxpayer dollars. Public schools are paid for by taxpayers, and they do not always even get sufficient funding to do all that they are mandated to do. We have no need to diminish the monies available to public schools. END OF STORY. Please vote no on this bill.

Sincerely, Susan Dingle, homeowner, taxpayer, exclusively educated in public schools and proud of it, and a voter in every election

March 15, 2025

To the Members of the House Education Committee,

I'm Joe Franklin, a parent at Oak Grove Lutheran School in Fargo, writing in support of Senate Bill 2400. This bill establishes an education savings account (ESA) program and provides an appropriation, empowering North Dakota families to choose the best education for their children, including private schools like Oak Grove.

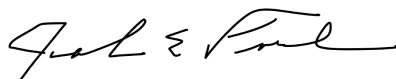
We chose Oak Grove for its small, supportive environment—perfect for students who thrive outside the large Fargo and West Fargo districts. With fewer students, it offers personalized attention and a community where my child excels. Its size and history encourage participation in diverse activities, preparing students for varied futures. This choice reflects our family's values and commitment to our child's growth.

SB 2400 would fund ESAs for educational expenses, including tuition and services at nonpublic schools, public schools, or home-school settings, with an income test for eligibility. This “new money” won't impact public school funding, as Dr. Patrick Wolf noted in The Forum of Fargo-Moorhead. His research shows school choice benefits students by meeting individual needs.

This bill affirms that parents know what's best for their children. Not every student succeeds in the same environment, and Oak Grove plays a vital role in North Dakota's largest market. Passing SB 2400 would help more families access settings where their kids can thrive. Please support this legislation and expand educational options for our state.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Franklin", with a stylized flourish at the end.

Joe Franklin
Parent, Oak Grove Lutheran School
430 Persimmon Pl
West Fargo, ND 58078
jofrankl@cisco.com
701-799-8663

Vote NO on SB 2400.

Please do not divert public monies from public schools. Public schools are the backbone of our society and need strong support. They are especially crucial in rural areas where private education options may not be available.

I am a veteran homeschooling parent in North Dakota and a leader in the homeschooling community. I serve as the editor and office administrator for the North Dakota Homeschool Association, as well as a board member.

I am writing to express my **strong opposition** to SB 2400. North Dakota homeschoolers should not be included in this bill. We value the freedom to educate our children as we see fit. We recognize that government funding comes with strings attached, and those who provide the funding will expect accountability for how it is used. This would place parents in a position where they must answer to the government regarding how they teach their children and what curriculum they purchase.

Not only do I oppose this bill as a North Dakota homeschooling parent, but I also oppose it as a product of North Dakota's rural public school system. I understand the devastating impact a bill like this could have on small-town schools. In many rural communities, the local school is the heart of the community.

This bill is a **serious threat** to both North Dakota homeschoolers and residents across the state. I urge you to reject SB 2400.

Elizabeth Buck, MS

Homeschooling parent

Office Administrator and Editor, NDHSA

Terri Hedman, 5524 16 Street South, Fargo, ND 58104

Oppose SB 2400 and HB 1540

Dear Committee and Chairperson:

Thank you for thoughtfully considering the wishes of most North Dakota citizens by opposing legislation to fund private and religious schools.

- This will likely be litigated, costing the taxpayers you are elected to serve
- Funding private schools will leach funds from public schools
- Teachers and school administrators and the teacher's union oppose this action, isn't it time to listen to our teachers?

Public education is the pride of our nation and must be protected. We are asking, are you listening?

Please **oppose** SB 2400 and HB 1540

Terri Hedman

5524 16 Street South

Fargo, ND 58104

I am submitting this written testimony in opposition to SB 2400.

I believe public education is the bedrock of society. Every child deserves the best education possible and by keeping our tax dollars in the public education arena, all children in North Dakota have equal access to the best education North Dakota can offer. When taxpayer dollars are funneled to private schools, the outcome is less money for public schools and I believe our public schools are struggling as it is.

I also believe it is very important to maintain the separation of church and state and I would guess that a lot of the private schools that would receive tax dollars are faith-based. Parents who want their children to have a faith-based education need to be willing to pay for that. I speak from experience as my son attended St. John's School in Wahpeton from pre-K to sixth grade. I knew when I made that decision to enroll him at St. John's that it meant I would have to pay his tuition out of pocket.

I strongly believe our tax dollars belong in the public education system, not private schools.

Thank you for your time and consideration.

My name is Sister Lillian Long. I am writing in opposition to SB 2400.

Our public tax dollars should be used for public purposes. Diverting tax dollars from Public Schools to Private schools is harmful to our Public schools. You have recently denied paying for meals for ND students with the rationale being not enough money to provide those meals. Instead of diverting public money to private schools, I encourage legislators and community members to invest in our public school children, expanding universal school meals, supporting mental health resources, and keeping class sizes manageable.

Private schools do not have to provide services that are required of public schools. My nephew had his two oldest children in a Catholic School. They loved the school and education they received. However, their youngest child had special needs. The private school did not have the ability (nor requirement) to meet her needs. So, she was enrolled in the public school. Meeting the needs of those students who need special attention is costly and falls on the budgets of public schools. Private schools can cherry pick whichever students they choose to educate, leaving the public schools carrying the burden of providing required care for any and all students, regardless of their abilities.

At this time, with uncertain funding at the federal level, our state's most vulnerable students risk losing the most.

Public funds should NOT be going to private schools. Taxpayers money is for PUBLIC entities.

Sister Lillian Long
Berlin, ND

I am a retired public school teacher having taught 35 years in the Minot Public School District. I am also a graduate of the Minot Public Schools. I ask you to keep our public schools the best in the nation by NOT funneling funds to private schools. Please vote NO on this bill.

Sherry Heilmann

Minot

Testimony on SB 2400

Chair Heinert and Members of the House Education Committee:

I am Daniel Rice from Fargo and retired Dean and Professor of Education from the University of North Dakota. (My views expressed here are not intended to represent those of the university.) I write in OPPOSITION to SB 2400.

1. The citizens of North Dakota have consistently rejected the use of tax payer funds for private schools since the adoption of our State Constitution. This remains true today as validated by several polls.
2. It is clear that the legislature should respect the will of the majority of citizens and not divert public funds to parents who support private schools or parents who chose to home school their children.
3. The State Constitution requires the state to provide public schools for ALL of the children of the state. If parents chose to reject the opportunity of free public education for their children, they are obligated to bear the cost of that rejection. The state should not reward them for rejecting public schooling.
4. The *public* schools are the constitutional and only responsibility of the state. The public schools in North Dakota face shortages of qualified teachers, financial challenges, and in many cases, inadequate and outdated facilities and equipment. It is irresponsible for the state to divert funds away from the public schools to parents who support private schools or who chose to home school their children. The administrative cost alone for an educational savings account program is estimated to be \$3million per biennium.
5. By diverting public funds for non-public educational experiences, children may be taught ideologies and theories that are not in the public interest, for example anti-science concepts such as “creationism,” false narratives about US history, anti-democratic political concepts such as Christian Nationalism. Parents who endorse these views should not expect the state to pay to support them.

For all of these and other reasons, I urge the committee to give SB 2400 a DO NOT PASS recommendation.

Daniel Rice, retired Dean and Professor of Education, UND



To Chairman Heinert and members of the House 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 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 does not reciprocate by investing in children whose educational needs are not best met in a public school system. For too long, the rhetoric around educational funding in the legislature has mistaken the means for the end. The State's constitution makes it clear that the purpose for which the State maintains a "free public school system open to all children" is that 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. 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 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 also matters to the state.

In the 1925 Supreme Court decision in *Pierce v. Society of Sisters* the court's decision found that the State of Oregon's move to compel all normal children to attend the public school violated the rights of parents. The court wrote: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. 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." While we might not have compulsion in our current state of affairs, we definitely have coercion, financial coercion that disincentivizes parents from enrolling their children in the public school because of the lack equitable financial investment in their children if they are not in the public school system.

Pierce rightly recognized that parents have a right and duty to prepare their children for additional obligations than those to the State. Education is the primary means of

BISHOP RYAN

CATHOLIC SCHOOL

passing on culture, religion, and custom. For many parents, education is not a neutral and secular endeavor. It is also a religious endeavor that is meant to prepare children to meet their obligations toward God, their church, and even their future spouse and children. Our current funding model for education disadvantages parents that require more from their child's school than what a public school can give.

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 anti-Catholic sentiment shaped the very nature of educational funding in our country by discriminating against "sectarian" schools. 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."

Thankfully, the odious Blaine Amendment, which has been used by the public school lobby for decades to quash the attempts to bring equity to educational funding 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 this legislature remains 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 should follow children wherever they are best served in their education, as long as the education they receive satisfies the basic interests of the State outlined in the constitution.

A clarifying question comes to mind: What is the value of a diploma granted to a graduate of 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 legislature thinks of them: Even though their diploma accomplishes the same purpose for the state, non-public school students are not worth investing in because they 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 a monopolistic, non-competitive place in the educational environment.

BISHOP RYAN

CATHOLIC SCHOOL

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? That is, in fact, what is now happening. The State is picking “winners” and “losers” financially in the area of education and by doing so also putting its hand on the scales in favor of public school systems over parental discretion and student needs.

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 parents in our community, **and** we fully satisfy the state’s interests in education for the children that attend our school. Our diplomas are every bit as valuable to the state as Minot Public’s, West Fargo’s or Washburn’s. It’s time for the state to recognize this by investing in our children too.

Thank you for your time and consideration.

Sincerely,



Fr. Jady Nelson, M. Ed
School President

Chairman Heinert and members of the Education Committee,

I am writing to urge you to recommend a DO NOT PASS on Senate Bill 2400. I am a rural parent with children attending Grafton Public School District, and my husband is a teacher at Fordville-Lankin School in Walsh County, an extremely rural public school. Growing up, I had the unique experience of being homeschooled in grades K-5 and then attending Grafton Public School District from 6th grade onward. Having experienced both a form of "private" education and public school, I support parents' right to choose how they educate their children. However, passing this bill will have serious negative consequences.

Our public schools are the heart of our rural communities, and I see every day how vital they are to our children's future. Yet, they are already struggling with limited resources. We cannot afford to divert public funds away from them. Parents who choose to homeschool or send their children to private school have the right to do so, but using public taxpayer dollars to subsidize those choices does not benefit the majority of North Dakotans and will ultimately harm most of your constituents.

With 93% of North Dakota's students attending public schools, we must invest in them, not weaken them. Our children deserve strong, fully funded public schools that serve every community.

As a parent, I want my children to attend a fully funded public school that provides all the necessary services, especially for students with disabilities. Every child deserves access to quality education and support, no matter their needs or where they live. Public schools welcome all students, regardless of ability, background, or income. This bill would take critical funding away, primarily benefiting metro areas while leaving rural communities with fewer resources and no private school alternatives.

Please reject SB 2400 and stand with North Dakota's families.

Thank you,

Joelle Schmuck

I am a public school teacher in a rural North Dakota town and I am in opposition to this bill. The obvious end result of this legislation is for public dollars to end up going to private schools. That is wrong.

Diverting any funding from the important work of public education would be a betrayal of North Dakota's future.

Please oppose SB2400.

March 17, 2025

Testimony in Support of Senate Bill No. 2400 – “Do Pass” Recommendation

House Education Committee

North Dakota Legislative Assembly

Dear Chairman Heinert and Members of the House Education Committee,

I am writing to express my strong support for Senate Bill No. 2400, which establishes the Education Savings Account (ESA) program in North Dakota. This bill gives parents the flexibility to choose the best educational path for their children, ensuring they receive an education that meets their individual needs.

The ESA program allows families to use funds for a variety of educational expenses, including tuition, curriculum, and specialized services. By expanding choice, this bill encourages innovation and competition, leading to higher-quality education options. It also promotes fiscal responsibility by ensuring funds are used only for approved educational purposes.

Education is not one-size-fits-all, and this legislation provides families with greater control over their children's learning opportunities. I urge you to support SB 2400 and help North Dakota families access the best education possible.

Thank you for your time and consideration.

Sincerely,

Stephanie Fortner
Bismarck, ND
District 47

1 **Testimony in Opposition to SB 2400 – Education Savings Account Program**

2 *Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools*

3 Good morning, Chairman Heinert and members of the committee.

4 First, I want to thank Senator Axtman, the key sponsor of this bill, as well as the
5 other sponsors, for their ongoing commitment to improving education in North
6 Dakota. Over the past several legislative sessions, I, along with other educational
7 leaders, have voiced a concern that public schools—especially large districts like
8 Bismarck Public Schools, which serves nearly 13,900 students—are not equipped
9 to be the sole solution for every one of a child's educational needs. The diversity
10 of needs across our student body is vast, and while we strive to support every
11 child, it is unrealistic to expect any single institution to address all of vast
12 academic, emotional, and behavioral needs in a manner that is both efficient and
13 effective.

14 We have seen this firsthand in our efforts to address complex issues such as
15 mental health, behavior, and personalized learning. Legislation aimed at providing
16 broader access to services for academic support, implementation of improved
17 therapeutic services, or specialized programs for arts or health services is well-
18 intentioned, but in practice, it is often challenging to implement these solutions at
19 scale within a public school system.

20 As a parent of two children, I understand firsthand how difficult it can be to
21 identify and address the full spectrum of a child's needs. I was able to recognize
22 my children's unique educational, emotional, and physical needs more clearly
23 than their teachers simply because I was with them every day. This life experience

1 has reinforced my belief that no single institution—public or private—can be
2 expected to meet every child's every need. That's why I support efforts to
3 empower families to make decisions that best support their children, whether
4 that's through educational materials, tutoring, therapy, or college preparation
5 programs.

6 However, despite my support for providing families with more educational
7 options, I must oppose SB 2400 as it is currently written, using these funds to
8 offset nonpublic school tuition or fees.

9 I believe it is unwise and potentially unconstitutional to use publicly collected tax
10 dollars to fund non-public schools directly, without sufficient accountability
11 measures in place. Public schools receive public funds and willingly provide audit
12 reports to the state and make their board meetings open to the public. These are
13 basic transparency measures that all entities receiving public dollars are required
14 to uphold, and I believe it is crucial that any recipient of public funds be held to
15 similar standards of oversight and accountability.

16 Furthermore, there is no language in the bill that ensures non-public schools
17 cannot reject students based on factors such as academic performance, special
18 education needs, or other criteria that would not be permissible in public schools.

19 In conclusion, while I wholeheartedly support empowering families to make the
20 best educational choices for their children, I believe we must be cautious in how
21 public resources are distributed. We must ensure that public funds are used in a
22 way that promotes accountability, transparency, and equitable access for all
23 students.

- 1 Thank you for your time and consideration. I would be happy to answer any
- 2 questions.

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

1. Undermining Public Education

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

2. Lack of Adequate Oversight and Accountability

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

3. Equity Concerns

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

4. Constitutional and Legal Concerns

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

5. Financial Burden on the State

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

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

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

Sincerely,
Andy Bertsch
District 5 Resident

Hello, Legislators of the Great State of ND,

I'm a homeschool mother of 5 children. I testify in opposition of SB 2400.

We have chosen to homeschool and make the monetary sacrifice so that our freedoms are 100% upheld and unhindered by law.

If this bill must pass, please know that you may get an influx of new residents who are coming for this money. Our Williston community is already a huge mix of people who do not exemplify North Dakota values. Those who follow free money generally do not. They will be takers of free money, not payers of taxes. This will affect the bottom line of ND and should be scheduled to be reviewed in 2 years and every 2 years so it doesn't break the budget

If this bill must pass, as a homeschool family, I need an amendment that makes a distinction between traditional homeschool families and homeschool families who do wish to take the money.

These 2 groups of people are very distinct and we would by law be treated separately. The amendment would ensure correct interpretation of the law.

Thank you for your time and consideration.

Stephanie Hunter
360-560-9127

Esteemed members of the 69th Legislative Assembly,

My name is Montana Ackman, I live within District 23 in Williston, North Dakota and I am writing to you today to strongly urge you to vote "No" on SB 2400.

The local schools within Williston have been combined to be the Williston School District 7. Our District 7 needs the funding that has been dedicated to them to serve the children within our community. Our town has more than doubled in population within the last ten to fifteen years and our school system has consistently struggled with meeting the needs of our ever growing population within the constraints of our budget. In the over ten years that I have lived in Williston, we have constantly needed to be expanding our existing schools and building new and bigger schools as quickly and as often as we are able to do so.

Williston residents are very aware of this need and stand with our schools, students, and teachers. As such, residents of Williston have voted in favor of increasing our property taxes to this end no less than twice in five years.

Parents in our town have no real feasible options besides public schools because we do not truly have other schools that can accommodate the great need for space for students that the schools in Williston so desperately need. SB 2400 provides no real tangible benefits to our area and instead takes the money that we have paid in taxes and gives it away to schools and parents who already have so many more options available to them than our schools and our parents as this supposed benefit will almost exclusively be able to be taken advantage of only by students and parents who live in our more urban areas (Bismark, Mandan, Fargo, Grand Forks, etc.) at the detriment to the funding of literally every other town and school district within our state.

I urge you to think realistically as you think of the education of our children. Our children are our future, but without proper funding to ALL schools within North Dakota, what future are we creating for our children?

Bearing all of this in mind, I am strongly urging you to think of the small and rural schools within North Dakota and vote "NO" on SB 2400 as this is a bill that would funnel money away from the students and teachers who make up the majority of our great state.

Thank you for your time, consideration, and service to our state.

Respectfully,

Montana Ackman

Dear Representative,

My name is Michelle Murphy, I am a retired kindergarten teacher from District 20.

I am writing in opposition of HB 1540 because I believe it is the state's responsibility to continue full funding for public schools as they are meant for ALL students regardless of ability, background, or ability to pay.

If you choose to reduce funding small, rural schools they will struggle to retain or hire highly qualified teachers, provide extracurricular activities, offer advanced courses or services for mental health and special education.

If you choose to use public money for private schools, many communities, families and children will be left behind because there are no options for rural communities.

If you choose to use public money for private schools, my grandchildren will not have the same opportunities their parents did because too many cuts will need to be made.

Please vote no to ensure NO CHILD IS LEFT BEHIND OR LEFT OUT.

Thank you for your work, I know you are always trying to do the best for all of us.

Sincerely, Michelle Murphy

Chair Heinert and members of the House Education committee:

I urge a DO NOT PASS recommendation out of this committee on SB 2400.

SB 2400 will take taxpayer money for public schools and divert it to private schools. There are so many things wrong with this. You ought to be appalled by the idea, but let's talk about it pragmatically and with a broad lens.

Who stands to gain from this? 93% of ND's student population go to PUBLIC schools. What if every parent in ND decides they want the voucher, credit, money, etc. that the legislature will lawfully provide to send their kids to a private school?

There aren't enough private schools. Any idea like this ought to scale to every person that it could possibly apply to, but it cannot. Most rural communities have zero access. Already, we have a problem. There is no school choice in rural ND. This bill is using public money, but it's not for the public, because the entire public does not have access.

Even in Fargo, ND's biggest population center, there's nowhere near the private school infrastructure to support all students. So, who gets in? Who gets preference and why? Who do you think Shanley, Oak Grove, etc. are going to let into their schools? Who has the best chance to get in? You know where this discussion is going, right? It's going to a hurtful, hateful, and unfair place.

Let's be honest with ourselves; all this bill will do is take millions of taxpayer dollars that would otherwise fund public schools and distribute it to folks that don't need it.

As a former teacher at a private school and a parent of public school students, I'm concerned.

Thanks for listening,

Ryan Dodd
District 45, Fargo

Samantha K. Harrison

Regarding SB 2400

March 16th, 2025

Chair Heinert and members of the House Education Committee,

My name is Samantha Harrison, a current resident of Mandan and former public school teacher. I am writing to you to urge a “Do Not Pass” recommendation and a “No” vote on SB 2400.

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 2400.

Sincerely,

Samantha K. Harrison
District 34

American for Prosperity North Dakota – IN SUPPORT SB 2400

Americans for Prosperity strongly supports educational choice.

We are in support of educational savings accounts; we urge you to support SB 2400.

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). ESA funding should be equal to the average state aid amount.

3. Opt-In Participation

- 4. **Principle:** The ESA program should be voluntary for families and non-intrusive to private educational provide. 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.

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.

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

1. Overly Harsh Accountability Measures

- **Issue:** Accountability measures that impose harsh penalties on ESA students should be avoided. ESAs are meant to provide options for families and strict accountability measures limit autonomy and creativity for students. Additionally, placing limiting, standardized accountability measures on ESA students sets ESA students up for failure if their curriculum does not align with the curriculum that the standardized tests and accountability measures were designed for.

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

Nick Amb
Walhalla, ND 58282

Testimony re: SB2400
Members of the committee:

My name is Nick Amb. I am an elementary school principal at North Border-Walhalla. While I will always advocate for my students, teachers, families-my views are my own.

I urge a resounding NO vote on SB 2400.

40 million a year in giveaways to private education?

Your constituents in rural ND would likely beg to differ. Do you know what the unmet needs are here in rural ND?

Here in Walhalla, we are 107 miles away from Grand Forks. There are no reasonably close “private” options for kids up here. This legislation takes these dollars that should be kept sustaining public schools.

A strong system of PUBLIC education is the bedrock upon which a prosperous and free democratic society is built.

I strongly oppose any sort of voucher, credit, or scheme to divert public money to private schools.

Also, most private schools are sectarian. NO public money shall be expended toward sectarian activities.

Instead of 40 million a year to give to the private schools (who face no accountability, and can reject any incoming student they see fit)—please consider the appropriation of funding for remote, rural schools.

We have very unique needs based on geography, and the state is obligated to provide our kids an education as well.

Our district is over 500 square miles. We have already consolidated to the extent possible.

A far better use for these resources would be to keep public dollars supporting public education.

I would be happy to answer any questions the committee may have.

Sincerely,
Nick Amb
Lifelong educator
Proud public school elementary
principal

Dear Members of the House,

I want to begin this by thanking you for your consideration of SB 2400 and I want to share with you the reasons that I encourage your support on any bill concerning school choice.

I am not from Minot, North Dakota, nor did I ever imagine myself here long term. I grew up in a suburb outside Minneapolis and chose to attend college in Bismarck. I fell in love with the culture of North Dakota – the people, the simplicity, the subtle beauty – but the quality that encouraged me to stay long term was the community of faith I found among Catholics in Bismarck. I knew I wanted to start my family in this state.

In college, I majored in English Education, and in an attempt to save some money, I decided to stay with a friend's family and do my student teaching at Bishop Ryan. I never intended to stay in Minot more than a few months, but it was the community at Bishop Ryan that embraced me and made me feel so comfortable. I ended up marrying my husband, a Minot native, and we've since had three kids. A four-month stint student teaching led to seven years, a home, and careers at Bishop Ryan Catholic School.

My husband and I both teach at Bishop Ryan because we love the school, the students, the families, and most importantly, the faith community. As teachers, relatively early in our careers, we don't make a lot of money, but we make that sacrifice because of our love for the school. This year, our first child is enrolled at Bishop Ryan. We feel so fortunate to be able to send him, but the reality is, we are only able to do so because of our jobs at the school. This strong desire that we have as parents would not be realized if we weren't teaching there. I know there are many families who are unable to make the decision to attend Catholic Schools for financial reasons, but who have a deep desire to. This bill would give those families a choice in the matter of their child's education, a choice that belongs to the parents.

This bill is not intended to line the pockets of the already wealthy. Being within the walls of the school, I know firsthand that many of our students do not come from wealth but instead come from hardworking families that make significant financial sacrifices. Please consider these families and families like mine when voting on this bill.

Thank you for your work on the education committee!

Bailey Wald

Subject: Opposition to SB 2400 - Concerns Regarding Education Savings Account Program

I am writing to express my strong opposition to Senate Bill 2400, which proposes the establishment of an education savings account (ESA) program in North Dakota. While the intention behind this bill may be to provide more educational choices for families, there are several significant concerns that need to be addressed.

1. Impact on Public School Funding: Implementing an ESA program would divert much-needed funds from our public schools to private institutions. This reduction in funding could lead to larger class sizes, fewer resources, and diminished support services for students who remain in public schools. Our public schools are already underfunded, and further financial strain could severely impact the quality of education provided to the majority of North Dakota's students.

2. Lack of Accountability and Oversight: Private schools participating in ESA programs are not held to the same standards of accountability and oversight as public schools. This lack of regulation can lead to inconsistent educational quality and potential misuse of public funds. In states like Arizona, the rapid expansion of ESA programs has resulted in numerous "pop-up" private schools, many of which lack the necessary infrastructure and experience to provide a high-quality education.

3. Negative Impact on Student Achievement: Research has shown that voucher programs, including ESAs, do not consistently improve student achievement. For example, studies from states like Indiana and Louisiana have demonstrated that students using vouchers to attend private schools often perform worse on standardized tests compared to their peers in public schools. In Milwaukee, where one of the largest voucher programs has been in place for nearly two decades, students in the program have shown no significant improvement in test scores.

4. Equity Concerns: Voucher programs tend to benefit families who are already financially better off, as the vouchers rarely cover the full cost of private school tuition. This can exacerbate educational inequities, leaving low-income families and students with disabilities at a disadvantage. In Florida, for instance, the McKay Scholarship Program, which is designed for students with disabilities, has faced criticism for failing to provide adequate support and resource.

In conclusion, while the idea of providing more educational choices is appealing, the implementation of SB 2400 would likely lead to negative consequences for North Dakota's public education system and its students. I urge you to consider these concerns and vote against this bill to ensure that all students in our state have access to a high-quality, equitable education.

Thank you for your attention to this important matter.

Sincerely,
Laura Hagan

I am writing to voice my strong opposition to Senate Bill 2400, which proposes the creation of an education savings account (ESA) program in North Dakota. While the bill aims to offer more educational choices for families, there are several critical issues that need to be considered.

1. Impact on Public School Funding: Introducing an ESA program would divert essential funds from our public schools to private institutions. This reduction in funding could result in larger class sizes, fewer resources, and diminished support services for students who remain in public schools. Our public schools are already underfunded, and further financial strain could severely impact the quality of education provided to the majority of North Dakota's students.

2. Lack of Accountability and Oversight: Private schools participating in ESA programs are not subject to the same standards of accountability and oversight as public schools. This lack of regulation can lead to inconsistent educational quality and potential misuse of public funds. In states like Arizona, the rapid expansion of ESA programs has resulted in numerous "pop-up" private schools, many of which lack the necessary infrastructure and experience to provide a high-quality education.

3. Negative Impact on Student Achievement: Research has shown that voucher programs, including ESAs, do not consistently improve student achievement. For example, studies from states like Indiana and Louisiana have demonstrated that students using vouchers to attend private schools often perform worse on standardized tests compared to their peers in public schools. In Milwaukee, where one of the largest voucher programs has been in place for nearly two decades, students in the program have shown no significant improvement in test scores.

4. Equity Concerns: Voucher programs tend to benefit families who are already financially better off, as the vouchers rarely cover the full cost of private school tuition. This can exacerbate educational inequities, leaving low-income families and students with disabilities at a disadvantage. In Florida, for instance, the McKay Scholarship Program, which is designed for students with disabilities, has faced criticism for failing to provide adequate support and resources.

In conclusion, while the idea of providing more educational choices is appealing, the implementation of SB 2400 would likely lead to negative consequences for North Dakota's public education system and its students. I urge you to consider these concerns and vote against this bill to ensure that all students in our state have access to a high-quality, equitable education.

Thank you for your attention to this important matter.

Sincerely,

Alex Hagan

I urge you to vote against SB 2400 and give it a DO NOT Pass recommendation. It benefits private school students at the expense of our public-school students, who make up the majority of students in our state. It is also a threat to religious liberty in our state and goes against "separation of church and state." It is also not fiscally responsible.

There are many reasons why private schools should not get tax dollars. Private schools do not have to answer to the state for how they spend money like public schools do. They are not held to the same standards in terms of accommodating students. However, educating students on IEPs or students with other disabilities adds extra costs and time requirements for public schools. Private schools do not have to accept these students. If private schools are going to get this extra funding, they should be subject to the same requirements as public schools.

What about the Establishment Clause in keeping with the vision of "separation of church and state" outlined by our founding fathers.

I am concerned about this bill's effect on religious liberty. In *Carson v. Makin* (2022), <https://www.oyez.org/cases/2021/20-1088>, the Supreme Court ruled that funding given by a state to private schools needs to go to religious private schools equally. In our state, we have a number of private religious schools. This means this bill will send taxpayer dollars to schools that promote a certain religion. This violates our country's long-held separation of church and state ideals. North Dakotans' tax dollars would potentially fund religious institutions that conflict with one's own religion. Tax money collected from Lutheran North Dakotans should not have to fund private Catholic schools and vice-versa. Again "separation of church and state."

Public schools' is important in ND as many children live in rural areas where private schools are not an option. Funding going to other schools is money taken from those rural public schools most ND children rely on. The bulk of the money comes from taxpayers who are unable to afford private schools and should be used for public education, which will benefit the majority of our children.

Again, I urge you to vote against SB 2400 and give it a DO NOT Pass recommendation.

Thank you for your consideration.
Barb Carley

Members of the House Education Committee,

My name is Kayla Tatro, and I am a middle school teacher at Roosevelt Public School in Carson. I am writing in opposition of Senate Bill 2400, which seeks to establish Educational Savings Accounts (ESAs) for North Dakota students.

Public dollars should not fund private education. Private schools do not have to educate all students, as public schools do. Furthermore, private schools lack the oversight and accountability for their expenditures that is required of public schools. Public schools must be accountable for every taxpayer dollar spent. This bill lacks the accountability that is required of taxpayer dollars. How will the state ensure that the ESA funds are being used for allowable expenses?

Educational savings accounts or vouchers only benefit students living in or near our largest North Dakota cities. Carson is 60 miles from the nearest private school with some of my students living up to 90 miles away from the nearest private school. My students, like a majority of rural students across the state, will not benefit from these ESAs. ESAs will increase the educational disparity between our urban and rural students.

Additionally, I am concerned about the cost of this bill. SB 2400 will cost our state \$60 million in the next biennium. Similar programs in other states have led to substantial cost increases over time. Public schools are already struggling financially. \$60 million would be much better spent over the next two school years in our public schools to support students across our state- regardless of their zip code, ability, or financial status.

In conclusion, Senate Bill 2400 threatens to weaken public education in North Dakota. We should be proud of the top-notch public education our state provides and continue to invest in our public schools accordingly. SB 2400 diverts critical resources from public schools and lacks the accountability that is required of taxpayer dollars. I implore you to consider the long-term impacts of this bill and to stand against it in support of our public education system. Thank you for your time and consideration.

Kayla Tatro

Chair Heinert and members of the House Education Committee,

My name is Kala Christensen, and I teach English in 7th grade in Grand Forks. I am asking for a DO NOT PASS vote on SB 2400. Education savings accounts funded with public funds have no place in our state. Public funds should NOT go to private schools. Taxpayer money is for public entities.

As a child-free homeowner and North Dakota taxpayer, I understand the frustration some feel when their tax dollars go to agencies or organizations that they do not think are useful in their life. I do not have children in public school, using the public parks or skating arenas, or attending story time at our public library. However, I am not here lobbying for my tax dollars back for not using these public entities. Nor should we give parents who choose not to have their children participate in public school or other entities their money back. It is their choice to attend private school, just as it is my choice not to have children and, therefore, not use these public entities.

While some say I don't have skin in this game as a child-free person, I understand the importance of my tax dollars funding public schools. The need for an educated society is crucial, and I want my tax dollars to go to the organizations that educate 90%+ of our children. I want my future leaders, doctors, accountants, etc., to be the best they can be. That happens with fully-funded, high-quality public education. Public education is the only place EVERY child can learn and grow to their highest potential.

Thank you for your consideration,
Kala Christensen

Testimony in Opposition to SB 2400**March 18, 2025**

Chair and members of the committee, my name is Whitney Oxendahl, and I'm writing in opposition to Senate Bill 2400.

Public schools are the backbone of our communities, including mine. We love Horace Mann Roosevelt Elementary School where my two school-age children attend. I serve as a leader on the PTA to help connect families to our school.

Over half of the students receive assistance, so we qualify as a Title 1 school. We have more than a dozen languages spoken at our school. We also need new facilities. The district is exploring building a new school to combine our facilities to better secure our building entrances and increase the accessibility for students with disabilities.

With all this, our school staff is fantastic, dedicated, and helps our students thrive. We should do more to support them and focus our funding efforts on our public schools.

This bill gives more funding to private school students, which is deeply unfair to public school students. There are many families at my school who could use funding to pay for more educational opportunities for their students.

I urge you to give House Bill 2400 a Do Not Pass recommendation. Thank you for the opportunity to share my testimony.

HOUSE EDUCATION COMMITTEE

RE: Support for SB 2400

Dear Chairman and Committee Members,

I am writing to express my strong **support** for **SB 2400** as a parent of five children and taxpayer.

OUR EXPERIENCE with public and private schools:

We started our children in the public school system as a secondary choice. Financially we were in a position where we exceeded the income level to receive tuition assistance from the private schools, but the tuition cost would limit our ability to maintain our financial goals and obligations.

In our experience, the teachers and staff at the public school were great and our children loved their friends.

In 2020, we moved our children over to private school as we did not want to do the “hybrid” option for COVID regulations. At the time, we had one child who struggled in the large classroom setting. Teacher after teacher told us, “he is a really good kid, he is just about 6 months behind everyone else.” We had special health & learning assessments done for him and extra staff working with him at the public school. When we moved to private school we were afraid we would miss the “extra” support. However, the lower class numbers and smaller setting boosted his ability to thrive. He went from working hard to barely pass, to now getting almost all As and advancing on state testing.

Our second son was the opposite. He was always “ahead” of everyone else. He completed assignments rapidly and was rarely challenged. When we moved into the private school he had the opportunity to take faster tracks and do more challenging work to keep his learning at his speed.

Beyond the smaller class sizes and opportunity to work at personal learning speed, COVID regulations happened to be a blessing to us with motivation to make the financial sacrifice and move to private education. Choosing a school to thrive in should not be an undue sacrifice.

TAXPAYERS BENEFIT:

This is not just a benefit for the families who go to private education. The money saved with the passage of SB 2400 will positively be impacting local businesses, schools, and organizations.

For example:

- We live in a community that is very family friendly. Year after year we have numerous kids coming to our door selling something or another. In the past, we have declined some of these sales requests as we had our own fundraising to do. If we had the extra

savings on tuition costs, we would freely support these children in their sports, activities and ambitions.

- Savings on tuition would allow our family to have more consistent family memberships throughout the community - YMCA, Gateway to Science, Tennis Center, Dakota Zoo, etc. This would not only benefit our family with positive experiences, but these organizations as well.
- An Education Savings Account program would allow our family to give larger donations to the non-profits that we know are well deserving. This will further benefit the community beyond education.
- If SB 2400 was passed, our family would be able to support more local businesses, stores, and restaurants.

We know that Public Schools are a great option. We also know many, like us 5 years ago, do not move their kids to where they want to go because of the financial burden. Please vote ***“Do Pass” to SB 2400*** to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to an education savings account program; to provide continuing appropriations; and to provide an effective date.

Sincerely,

BriAnna Wanner

Bismarck, ND

I am a parent and a public school teacher. I am writing to urge you to please vote NO on SB2400. This bill threatens the integrity of our public education system. I am strongly against using public taxpayer dollars for private schools. Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status.

SB2400 will divert money raised for public education and other public purposes to pay for private school tuition and other "qualified educational expenses." Most, 68%, of North Dakotans do not approve of using public funds for private tuition.

One might say that this bill is meant to help our North Dakota students' education. If this bill was meant to truly help all North Dakota children, each child would receive the same funding, regardless of where they are educated, but that is not the case. Private school students will receive significantly more funding than public and homeschooled students.

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 ESA 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.

Kathy Houser

SB2400

Please DO NOT PASS this bill and take away PUBLIC dollars to private schools, when ND is already facing cuts at the federal level. This will IMPACT our schools already serving children with disabilities, homelessness, and food insecurities. This bill WILL have grave consequences for ND families.

Most North Dakotans live in rural communities and do not have opportunities to attend private schools. This bill is mostly for the elite, OR families living in major cities. It isn't the Class B families, living in rural communities that have consolidated schools to keep the doors open. Some of these school districts have a 2000 sq mile radius. The people this bill benefits may live blocks from a private school. This will be a nail in the coffin to consolidated school districts that support children living in districts containing multiple communities.

I graduated from McVillage Public School in 1985 with 20 graduates. My son, walked across the same stage that I did, except his school was Dakota Prairie School District #1 which consisted of Petersburg, Michigan, Mapes, Whitman, Niagara, Dahlen, Aneta, Kloten, McVillage, Pekin, Tolna, and covering Nelson, Walsh, Grand Forks, Steele, Eddy, Benson, and Ramsey Counties with 32 graduates.

If you vote to give vouchers to private schools, many of these consolidated districts will be forced to re-consolidate. Children are already on buses for well over an hour in the morning and evening.

Please take the time to look for other options rather than taking money from public school districts where funding is already limited.

The vast majority of parents in North Dakota don't have access to private schools. Sending public money to private schools is NOT OKAY. If people want public money for their child's education, they need to send them to public schools. This bill is going to hurt rural schools, which is most of what North Dakota has. Please vote for the good of the people...not for the benefit of your rich friends.

Dear Members of the House Education Committee,

Thank you for taking the time to review my written testimony. I am writing to express my strong opposition to SB 2400. As a taxpayer, I want my taxes to support public schools. As a public school teacher with over 40 years of experience, I know how important every dollar is to public schools around our state.

I have listened to all of the testimony related to this bill, and I remain convinced that this bill will be detrimental to public school students in our state. We have the privilege and responsibility to teach every student in our district and meet each child's needs. This is not the case for private schools. You have heard arguments about the differences between public and private schools in terms of accountability, transparency, services that need to be provided to students, and more. These are all reasons to vote "NO" on this bill. I ask you to consider how this bill will hamper educational choices for students and their families by diverting funds away from public schools.

It is essential to keep public funding in public schools. The majority of parents choose to enroll their students in public schools. It is not right to divert funds from these schools. In addition, there are reasons families also choose to send their students from private or home schools to public schools. Public schools are always present to welcome every student into their buildings. We need to keep those schools strong and well-funded. I respect the decision of families to send their children to a private school. However, it is not the responsibility of taxpayers to fund any part of private tuition, which is why I urge you to say "no" to this bill.

I know how deeply each House Education Committee member cares about our students' education. Our public schools are the hub of large and small communities across North Dakota. They are a consistent, constant presence in our neighborhoods and towns, but they are not static. Our public schools are filled with thriving classrooms where teachers are continuously learning how to bring content alive to their students in meaningful and effective ways. I know how much I value my hometown school, Des Lacs-Burlington High School. I do not have children, but I know that the taxes I pay that go to public schools are the best investment I can make in the future. Please support our public schools so that we can continue to offer the choice of an excellent education to every single student in our state, regardless of their needs or location. We have so much to be proud of, and we have so much great work to do. Your support is valued, and your willingness to listen is greatly appreciated.

Sincerely,

Mary Eldredge Sandbo, Ed. D., NBCT
Biology Teacher, Des Lacs Burlington High School
2010 North Dakota State Teacher of the Year

Hello,

I am writing to urge you to pass SB 2400. This bill if put into law will be a blessing to all North Dakota families, not just those who attend private schools. As the parent of two children who do attend private school, I can tell you that this bill would have a more positive impact on our family than any legislation I can remember. Contrary to the claims of opponents of school choice, not all who attend private school are so called rich kids whose families have no trouble affording private tuition while paying property taxes for a public school they do not use. For many families who attend private schools, including my own, paying the monthly tuition is a burden. It is a burden we gladly bear, but one, nonetheless. This bill would provide an opportunity for our family to benefit from the taxes we already pay and help ease that burden substantially. In North Dakota families of all income levels and beliefs should be able to choose the education that they desire for their children whether it be public, private, or homeschooling. Please pass SB 2400 and make this a reality.

Thank you,

Brock Carlson

CONCERNED
WOMEN *for* **AMERICA**
 LEGISLATIVE ACTION COMMITTEE

March 18, 2025
 House Education Committee
 Testimony in Support of SB 2400

Chairman Todd Beard and Members of the House Education Committee, I am Linda Thorson, the State Director for Concerned Women for America (CWA) of North Dakota. My background is in education. I served as a speech-language pathologist in the public-school systems for 26 years and received the 2015 Council for Exceptional Children Teacher of the Year Award.

Today, I am testifying for CWA Legislative Action Committee in support of [SB 2400](#). As our state's largest public policy women's organization, CWA of North Dakota has seven core issues, education being one of them. The goals we are working to see in education are: 1. The quality of education restored to a level of excellence in academic achievement without governmental mandates detrimental to parental rights. 2. School choice options available to parents that will benefit all children.

Educational Savings Accounts, or ESAs, empower parents by providing them with more choices in their children's education. The ESA outlined in SB 2400 provides a government-authorized savings account for families with students in grades K-12 to use for educational purposes. For example, parents can use it to help cover private school tuition or online learning programs, private tutoring, software, or other educational materials.

ESAs are publicly funded and are administered by the state government, in this case, the North Dakota Department of Public Instruction would establish an Education Savings Account fund for the program. Thus, the money for the ESA would not be taken from funds already allocated to the public schools in per-pupil payments. They allow a parent to purchase vetted educational services to tailor a learning experience that meets a student's needs. Contrary to what you will hear from some detractors, ESAs do not destroy public schools. Parents who feel their public school is working need not change. They need not apply to receive the money and can continue as they were.

To date, eighteen states offer students access to an ESA, the amount of which varies from 27% of the state's per-pupil spending to nearly 100%.¹ States with ESAs are Alabama, Arizona,

¹ Roco, Emily, State Actions on Education Savings Accounts, (NCSL) National Council for State Legislators, May 03, 2024, [State Actions on Education Savings Accounts](#)

Arkansas, Florida, Louisiana, Georgia, Indiana, Iowa, Montana, Mississippi, Missouri, New Hampshire, North Carolina, South Carolina, Tennessee, Utah, West Virginia, and Wyoming.²

SB 2400 offers universal ESA eligibility, defining an “Eligible Student” as an elementary or secondary student who is a resident of this state and eligible to attend a public school. The opportunity for students to benefit from enhanced educational opportunities and experiences will not depend on where the family resides. Families in rural locations will have the same access to an educational savings account as those in urban cities like Fargo, Grand Forks, and Bismarck.

Educational Savings Accounts will be available to all students whether they attend a public school or another school setting such as a private school or homeschool. The state’s payments range from one thousand dollars to four thousand dollars.

We are not a one-size-fits-all society. How can the state of North Dakota support a one-size-fits all educational system? It is time for change. Follow Governor Kelly Armstrong’s lead. On January 7, 2025, in his [State of the State Address](#), he declared,

“Our budget will support Education Savings Accounts – funding set aside for each student to direct toward services or tuition across our public, nonpublic or homeschool settings. 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.”³

The goal of providing quality education to a level of excellence in academic achievement is best accomplished when parents are empowered to provide more choices in their children’s education. Support Educational Savings Accounts.

I urge a “do pass” on SB 2400

² Mercier, Jason, 29 States Now Have Some Form of ESA, Education Choice Tax Credit or Education Tax Scholarships, March 26, 2024, Mountain States Policy Center, [29 states now have some form of ESA, education choice tax credit, or education tax scholarship](#)

³ North Dakota Office of the Governor, January 7, 2025, [Armstrong outlines property tax relief and reform plan in 2025 State of the State Address to Legislature | North Dakota Office of the Governor](#)



How School Vouchers Hurt Rural Communities

Public schools are the foundations of rural communities. They provide the [community space](#) where neighbors gather, the local entertainment on Friday nights, and the support services families rely on. Public schools even fuel rural communities' economies, since they are often the [main employers](#) in town. Nearly [1 in 5 students in the US attend a rural school](#), and across the country more than [27,000 rural schools](#) educate 9.8 million students every year. However, the rise of school voucher programs, which provide public funding for students to attend private school, poses a significant threat to rural schools, students, and communities.

Here's why.

1. **Rural schools stand to lose the most state funding when school voucher programs are implemented.**

- a. School voucher programs can force the state to decrease funding for school districts
 - I. Rural school districts [rely heavily](#) on funding from the state, since their lower population densities mean they raise less money through local taxes. This is especially true for low-income rural areas.
 - II. In [many states](#) most of the students using vouchers were previously homeschooled or attended private school, meaning that the state didn't pay for their education. These students represent a new cost the state must fit into its existing budget.
 - III. To do so, the state may have to cut back on the amount of funds it sends to school districts. **Since rural school districts rely more on state funding, any reduction in state funding for education will [affect them more](#).**
- b. In addition to this reduction in state funding, when a student uses a voucher, their public school loses the per-student funding it would have received from the state to educate them. Since student bodies in rural areas tend to be smaller, this cut has a [larger impact](#) on rural schools' budgets.

In Kentucky, [one study](#) estimated that **eight rural school districts would have to cut their budgets by 20% if the state implemented a school voucher program.** The two largest urban school districts would have their budgets cut by less than half that.

What does this mean for students?

Rural schools may be forced to cut enrichment programs, such as extracurriculars, and community events. This is because schools still have fixed costs, such as transportation, building maintenance, and administrative staff, that remain the same regardless of enrollment. In fact, some of these costs are higher in rural areas due to their small and dispersed populations. To cover these fixed costs, schools may have to cut things like sports, art & music classes, afterschool programs, and school-sponsored family events. If enough students leave public schools, this could even mean cutting staff. This results in a less enriching, less engaging, and lower-quality education for students. Alternatively, districts may be forced to increase property taxes to make up for any lost state funding due to vouchers. This means a larger [tax burden](#) on residents even if they don't use school vouchers.

As one rural educator [noted](#): *"If we lose five or 10 students, that's {equivalent to} a teacher salary. But we can't afford to have one less teacher, so now we're cutting academic programs, we're cutting sports, we're cutting the things that this community relies on."*

2. Fewer private schools exist in rural communities, making it hard if not impossible for rural families to use school vouchers.

- a. Only [34% of rural students](#) have a private school within five miles of them, compared with 92% of urban students.
- b. In Tennessee, [42%](#) of rural school districts have **no private schools at all**.
- c. The private schools that do exist in rural areas are often few and far between, meaning rural students must [travel long distances](#) to attend them. This extra travel time can put a strain on families or make attending these schools simply unfeasible.
- d. Furthermore, just because voucher programs exist does not mean private schools have to admit all students using them. There is no guarantee that the few private schools in rural areas will accept students using vouchers.
- e. Additionally, if voucher programs are implemented, it is unlikely that more private schools would open in rural areas since these communities often have fewer students overall.

What does this mean for students?

The lack of private schools in rural areas means that families in rural communities may not be able to use a school voucher, **even though their taxes help fund them**.

Vouchers do not serve rural communities; instead they drain much-needed funds without expanding educational options for students. As [one educator](#) put it, ***"Our public school system is our town...[Vouchers] would create all types of division — a racial divide, a social status divide, monetary divide as well as academic and extracurricular division."*** Tell your legislator to oppose school vouchers. For more information, visit edtrust.org/vouchers.

March 16, 2025

North Dakota House Education Committee
State Capitol
Bismarck, ND 58501

RE: Endorsement of SB 2400

Dear House Education Committee:

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

I support Senate Bill 2400, 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 2400, 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 2400 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 2400. 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 2400.

Sincerely,

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

Members of the House Education Committee, I am Brenda Seehafer, an elementary Title I reading and math teacher from Rolla, ND. I am asking you to oppose SB 2400. This bill would cost at least \$60 million on non-public schools, just in this biennium. Public dollars belong in public schools, which is the bottom line of my opposition to this bill. Public school systems are already struggling, so we should be investing any additional available money in our public schools. 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. Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status. Vouchers take critical funding away from our public school system. Vouchers only benefit those in metro areas across our state as most rural communities do **not** have non-public schools. Why should rural North Dakotans foot the bill to send city kids to private schools, which is just what this bill does to rural North Dakotans. I am asking you to oppose SB 2400. Don't use our public dollars on vouchers, because that is not what North Dakota needs or wants.

Testimony in Opposition to Senate Bill 2400

Chairperson and members of the committee,

Thank you for the opportunity to present my testimony today. I am here to express my strong opposition to Senate Bill 2400, which seeks to establish an Education Savings Account (ESA) program in North Dakota.

While I recognize the desire to offer more educational choices for families, I have several concerns regarding the potential negative impacts this bill could have on North Dakota's public education system and the broader educational landscape in our state. The creation of this new program would have far-reaching consequences that need to be carefully considered.

1. Diverting Funds from Public Schools:

One of my primary concerns with Senate Bill 2400 is the potential diversion of funds from public schools to private education savings accounts. Public schools serve the vast majority of North Dakota students, with approximately 93% of our student population enrolled in public education. Diverting public dollars into an ESA program would reduce the funding available to public schools that are already underfunded and facing numerous challenges. These schools serve students from all backgrounds, including those with disabilities, English learners, and those from low-income families. Reducing the funding for public schools could lead to increased class sizes, fewer resources, and a diminished quality of education for the majority of students who rely on public schools.

2. Lack of Accountability and Oversight:

Another significant concern is the lack of oversight and accountability in how ESA funds would be used. Senate Bill 2400 allows for the transfer of public funds into private accounts, but it does not establish sufficient measures to ensure these funds are used exclusively for educational purposes. Without clear and rigorous oversight, there is a risk that these funds could be misused or diverted toward non-educational expenses, which would undermine the intent of the program. Additionally, without proper accountability, there could be a lack of transparency in how taxpayer dollars are being spent, which raises concerns about public trust in the management of educational funds.

3. Potential Inequities for Low-Income Families:

While the bill is designed to offer greater educational choices, in practice, it could disproportionately benefit wealthier families who have the means to supplement ESA funds for private school tuition, tutoring, or other educational services. For lower-income families, the amount available through the ESA program may not be sufficient to cover private school tuition or other educational expenses. As a result, this program could exacerbate existing inequities in our education system, benefiting those who are already financially advantaged while leaving behind those who are most in need of additional support.

4. Negative Impact on Students with Disabilities:

The bill also raises concerns for students with disabilities. Public schools are required to provide services under the Individuals with Disabilities Education Act (IDEA), ensuring that students with special needs receive the appropriate support and services they need to succeed. However, the ESA

program, as proposed in Senate Bill 2400, could lead to these students being placed in private schools or alternative educational settings that may not be equipped to provide the same level of specialized support required by federal law. This could result in the unintended consequence of undermining the educational rights of students with disabilities, particularly if private institutions or homeschooling options are not bound by the same regulations and standards as public schools.

5. No Proven Guarantee of Better Educational Outcomes:

Advocates for the ESA program often argue that it will lead to better educational outcomes by providing more choice. However, research on similar programs in other states has yielded mixed results. While some families may benefit from increased educational options, there is no conclusive evidence to suggest that ESAs as a whole lead to improved academic performance. In fact, some studies have shown that ESAs do not lead to significantly better outcomes for students, and the diversion of funds away from public schools could create greater disparities within the education system.

6. Focus on Strengthening Public Education:

Instead of diverting resources away from public schools, we should focus on strengthening and equitably funding our public education system. Public schools play a crucial role in ensuring that all students, regardless of their background, have access to a high-quality education. By improving resources, supporting teachers, and ensuring equal opportunities for all students, we can better meet the needs of all North Dakota students, rather than creating a system that benefits only a select few.

Conclusion:

In conclusion, Senate Bill 2400 poses significant risks to the future of public education in North Dakota. Diverting funds from public schools to private education savings accounts could exacerbate inequalities, weaken public education, and undermine the rights of students with disabilities. The bill lacks sufficient accountability and oversight to ensure that taxpayer dollars are being used effectively, and there is no solid evidence to support that ESAs will lead to better educational outcomes.

For these reasons, I respectfully urge the committee to reconsider Senate Bill 2400 and explore alternative ways to improve education in North Dakota without undermining the vital role of public schools.

Thank you for your time and consideration.

Shelby Hildenbrand

1072 Lindsey Ln

Grand Forks, ND 58201

701-833-0429

shelby.hildenbrand@gmail.com

WRITTEN TESTIMONY IN OPPOSITION TO SB 2400

House Education Committee

Date of Hearing: March 18, 2025 9:00 a.m.

Debra L. Hoffarth, 1320 11th Street SW, Minot, ND 58701

This written testimony is presented in opposition to SB 2400, which would provide public funding for private school education through education savings accounts. All North Dakota students have the right to a free and appropriate education. The public school system is available to all students who live in the state. This right is available regardless of religion, race, disability, socioeconomic status, or zip code.

Private schools are not accessible to all students and are able to determine who does and does not attend. Private schools often do not provide services to students on IEPs or 504 plans and fail to make accommodations to ensure that any student can attend. If private schools received public funds, they should be required to have the same oversight and follow all of the same rules, laws, and regulations that the public schools do.

Families who send their children to private school have the means to do so and the North Dakota taxpayer should not be burdened with private school expenses. This bill shifts public funds to favor the rich over the poor.

This bill would take funding from rural areas and reallocate them to the more urban areas of North Dakota. This drains the resources of rural communities. Schools are the heart beat of every small community and a loss of school puts rural community at risk to losing residents, business, and families. Rural North Dakotans already suffer from grocery deserts, let's not create education deserts as well.

We should also be aware of the loss of funding from the Department of Education. If funding to the State or local school districts are ended, the public schools will need additional funding from the State. Any loss of funding from the federal government will have a significant impact on public schools that will need to be replaced by the State of the local school districts.

This bill weakens the public education system. Please invest money in public schools to ensure small class sizes, proper staffing at all levels, technology, and competitive wages for teachers.

Please oppose SB2400.



No on SB 2400

Dear Representatives,

I am writing to you to ask you to vote no on SB 2400.

- Homeschoolers would not have the option to opt-in or opt-out of this funding.
- States with similar bills have seen regulations attempted on all homeschoolers.
- This bill does not protect from further regulation, but leaves it up to the Superintendent of Public Instruction.
- Public funding should not be used for private or homeschool education.

Please amend SB2 400 to provide protection for homeschoolers. Do not pass SB 2400 without this protection.

Thank you,

Carmen Troutman

District 23

Testimony- School Choice Bills- 2025

North Dakota Legislature, 69th Legislative Session

Honorable Chair and Members of the Committee,

I strongly oppose SB2400 and HB1540 due to serious constitutional, financial, and accountability concerns. These bills divert public funds to private schools without oversight, weakening public education and exacerbating existing inequities. Below, I share my personal experience, key concerns, and recommendations for a more effective and equitable approach to education policy.

Issue One: Public Funding and Constitutional Concerns

Advocates for these bills argue that our state constitution is out of compliance with law. Proponents quote several supreme court rulings as the reason why this is true. If we dive deeper into these arguments, we can see things more clearly.

North Dakota's Constitution clearly prohibits using public funds for sectarian schools:

"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."
(Article VIII, Section 5)

Despite this, SB2400 and similar bills propose diverting taxpayer dollars through education savings accounts (ESAs) to private religious schools. The proposed **\$50 million ESA allocation to the department of instruction budget** challenges the intent of this constitutional measure.

When funds show that they are being allocated to a **pot of money** that directly fund **public schools**, would this align to the ND constitution? *School choice legal advocates* caution policy makes on implementing an ESA program in North Dakota without explicit constitutional amendments would invite **legal challenges** and create unnecessary **fiscal risk**.

The U.S. Supreme Court's *Carson v. Makin* ruling, authored by Chief Justice John Roberts in 2022, further complicates this issue. In his majority opinion, Roberts stated that when a state decides to create a program that is used as a vehicle, in this case an ESA, to provide public funds to private schools, it cannot exclude certain religious schools from participation.

A key question for North Dakota taxpayers and lawmakers is whether they are comfortable with public funds being directed toward **private schools of any religious belief system**, including Hindu, Islam, Fundamental Christianity, Buddhism, or Wicca, should they decide to participate in the ESA program. This scenario has already played out in New York, Arizona, and Florida, where ESA programs had to allow funding for schools aligned with a variety of religious ideologies, leading to unintended consequences and legal disputes.

Issue Two: Fiscal Mismanagement in ESA Programs

ESA programs in other states have led to **financial mismanagement and fraud**:

- **Arizona:** ESA funds were spent on amusement parks, luxury vacations, and personal expenses.
- **Florida:** Parents misused funds for non-educational expenses like religious conferences.
- **Louisiana:** Audits exposed ESA dollars being spent on unauthorized personal purchases.

To prevent misuse, ESA programs must include **strict reporting, third-party audits, fraud penalties, and annual public expenditure reports and presentations.**

Another **major flaw** is these bills also fail to prevent “**scholarship stacking**,” allowing some families to receive excessive financial benefits while others remain underserved.

Issue Three: True Costs of ESAs – Estimated Fiscal Impact

The fiscal impact of SB2400 appears significantly underestimated. Using *DPI's reports* and the *US Census* data, it appears that the **two-year cost** is more in the **\$117 million** range, including **\$42.6 million in lost public school funding**. If allocated to public schools, what would \$117 million provide?

- **1,410 teachers** to reduce class sizes.
- **3 new elementary schools** to address overcrowding.
- **234,000 updated textbooks** for quality education.
- **936 school buses** for safer transportation.
- **Increased special education funding** (\$11,153 per student) to drastically better serve some of the most vulnerable population.

SB2400 disproportionately benefits higher-income families, allowing a family of three earning up to **\$133,250 (500% of the federal poverty level)** to receive ESA funds—favoring private school families over expanding access for low-income students.

Another mechanism to **ensure fiscal responsibility** is to have program funding caps. Just as what is being discussed for property tax reform, caps will allow a managed growth of the program and ensure that funding does not go over appropriations.

Other suggestions would be to pro rate student scholarships. This allows for a more transparent, predictable, and fair process. It will also guarantee that the state will be able to stay within program allocations. There should still be a priority on students whose family income levels meet the federal free and reduced lunch limits, giving those with greatest the need, the best opportunity for educational choice, without cost being a barrier.

Issue Four: Negative Impact on Rural Communities

ESA programs harm rural communities, where private schools and specialized providers **do not exist**. Public schools are the **only option**, meaning ESAs will drain essential funds. This could lead to:

- **School closures and longer bus routes** for students.
- **Elimination of extracurricular activities.**
- **Fewer special education services** in already underserved areas.

Public schools are more than education providers in rural areas—they are **community hubs**, workforce training centers, and youth development spaces. Redirecting funding away from them will widen rural-urban education gaps.

Issue Five: Public Schools Face Persistent Funding Shortfalls

Federal laws such as the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 require public schools to provide equitable education to students with disabilities through very strict policy, but only **14-16% of costs are covered**, forcing districts to shift funds meant to be equal for all students to a more unequitable funding model.

Public School districts absorb the high cost of underfunded federal mandates by subsidizing the revenue for students without additional needs, allows for these funds to be redistributed to cover the higher cost of students who require additional services.

Case Study: Dickinson Public Schools

In 2023-24, Dickinson Public Schools' **total special education costs** were just shy of **\$11 million**. After receiving federal and state allocations, DPS still faced a **\$6 million special education funding gap**.

When funding gaps like this exist, they force districts to make **difficult budget decisions** such as:

- **Increase class sizes** due to fewer teachers.
- **Cut transportation and after-school programs** both are critical to student success
- **Hold off on building maintenance projects** creating much higher costs in repairs
- **Raise local property taxes** to offset funding losses.

ESA programs would **further reduce funding**, putting schools at risk of noncompliance with **IDEA and Section 504** mandates, leading to potential legal consequences.

Issue Six: Lack of Investments in Education

North Dakota has **168 school districts**, yet **90 are underfunded** based on state aid formulas. Instead of diverting funds to private institutions, the legislature should consider:

1. **Increase funding for special education and low-income students** Increasing school funding weighting factor for these targeted groups would create a more equitable education system for all students.
 2. **Invest in public school innovation**, Expanding STEM programs, career training, and early childhood education to improve student outcomes.
 3. **Expand rural education access**, including transportation and alternative learning opportunities.
 4. **Offer targeted tax relief**, Offering property and income tax relief will allow more household funds for families to use on many things, including educational choice if they so choose.
-

Issue Seven: Public Schools Are Not Failing

Claims that North Dakota's public schools are failing are **not supported by data**. The state's students outperform national averages in standardized testing.

Testimony- School Choice Bills- 2025

North Dakota Legislature, 69th Legislative Session

Key achievements:

- **Ranked #2 nationwide in mathematics** and above the national average in three out of four NAEP categories.
- **First state education agency to earn national accreditation.**
- **Frank Newman Award for Innovation**, recognizing graduation pathways.

Additionally, legislation such as **HB 1478** and **HB 1388** have expanded student opportunities through **internships, career training, and digital learning**. These initiatives directly prepare students for post-secondary success. These celebrations make school choice proposals based on alleged public-school failures extremely misleading.

Findings of Florida's ESA Program:

In contrast to the celebrations above, it appears that ESA programs have not seen as much academic success as our North Dakota public schools have. According to the **2023 Florida Family Empowerment Scholarship (FES) Program Report**, students who used FES vouchers to leave public schools, later returned significantly academically struggling and were unprepared for grade-level expectations compared to their peers. The report found that these returning students were behind in key subjects, particularly math and reading, due to inconsistencies in private school curricula and lower academic standards.

Meanwhile, students who remained in private schools under the FES program also faced challenges, with evidence showing that a large percentage failed to meet proficiency benchmarks. These findings highlight the risks of diverting public funds to private institutions that lack oversight, curriculum accountability, and most importantly, comprehensive student support systems.

Issue Eight: Public vs. Private Schools – A Personal Perspective

In 2020, my husband and I enrolled our first grader in a private school that was outside of the catholic school options, as we are not Catholic. We were drawn to its small class sizes and values we felt it would provide the best support and structure. We invested heavily in his education, purchasing learning aides and hiring an occupational therapist as recommended by the school. By third grade his new teacher was frequently reprimanding him in front of his peers and demanding he apologize to them for distracting them by asking too many questions. Soon after he was isolated for most of the school day to learn alone in a conference room with a stack of workbooks. Once we learned about this, by mutual agreement it was decided this education environment was not successful for him. On his last day there, he was told he could return when he could be "good." For a month or so after he transitioned to the public school, he would ask repeatedly if he was "good enough" to go back.

He was made to believe he was bad, noisy, disrespectful, and a distraction. Unbeknownst to us, his struggles were due to an undiagnosed disability—one that, with proper **support and collaboration**, could have been managed effectively. No child should ever feel unworthy of an education simply because they learn differently, especially in an education environment their parents chose.

Testimony- School Choice Bills- 2025

North Dakota Legislature, 69th Legislative Session

Public school was a turning point. Instead of being seen as a problem, he was recognized as a student with potential, and best of all they saw him for what he **truly is, a "good" kid**. From day one they held his hand through a supported learning plan, where we finally felt in control as parents and understood more about our son than we ever did before.

I hope that this tells the story of the educators, specialist, and administrators in our public-schools that work diligently each day to assist kids like mine, by encouraging them, lifting them up, and holding them accountable for strong academic success. **It's astonishing how they move the needle despite teaching a classroom of twenty-eight students.** They show up with a smile each day more eager to help each child without ever thinking twice about helping due to a student's abilities, demographics, income level, behavior issues, religious beliefs, living situation, or anything else that would put a child in a box, all while being underpaid and underappreciated.

Conclusion

SB2400 and HB1540, as written, pose a direct threat to North Dakota's public education system. By diverting funds to private schools with little accountability, they disproportionately benefit higher-income families while leaving underserved students behind.

Public schools serve all students, including those with disabilities, language barriers, and financial hardships. Instead of weakening the public system, the legislature should focus on strengthening educational opportunities within it—ensuring equitable access, improving student outcomes, and maintaining fiscal responsibility.

If meaningful amendments such are not made to address these concerns, I strongly urge all legislators to vote **NO** on these bills.

Thank you for your time and consideration.

Stephanie Hunter

References:

- **North Dakota 2025 HB1013 (NDDPI Proposed Budget)**
<https://ndlegis.gov/assembly/69-2025/regular/bill-index/bi1013.html>
- **Supreme Court Case 20-1088 Carson .v Makin**
https://www.supremecourt.gov/opinions/21pdf/20-1088_dbfi.pdf
- **School Choice legal Advocates- Institute for Justice: Designing Educational Choice Programs in North Dakota**
<http://ij.org/wp-content/uploads/2015/03/50stateSCreport.pdf>
- **12NEWS Arizona Investigation on ESA Misuse**
<https://www.12news.com/article/news/education/arizona-attorney-general-give-update-empowerment-scholarship-account-program-investigation/75-3f3af38a-d011-473f-a114-2a4736dcde93>
- **North Dakota DPI Press Releases on Academic Achievements**
<https://www.nd.gov/dpi/news>
- **2023 Florida Family Empowerment Scholarship (FES) Program Report**
<https://www.fldoe.org/file/5606/FES-Report2023.pdf>
- **United States Census Bureau**
<https://data.census.gov/all?q=North+Dakoa>



North Dakota Home School Association

Serving Home Educators since 1985

SB 2400

NO

Chair Heinert and Committee Members,

I write on behalf of the North Dakota Home School Association (NDHSA) to offer our opposition to SB 2400. Our association is **fundamentally opposed to public dollars funding home education**.

Our association is the only statewide homeschool association and we have worked tirelessly since 1985 to gain homeschool freedom in our great state. I have personally been involved in that fight since the inception of the organization.

Our organization has a mailing list of **over 1200 families**. Last year's DPI numbers for homeschoolers in the state was **5602 students**. Statistically homeschool families are a little larger than average with about 50% having 3 or more children. So doing the math, you can see our organization represents the largest population of homeschooling families in the state.

Our mission states: To provide a comprehensive home education information system to support, train and protect every willing North Dakota individual, family and church in the methods of privately-funded, parent-directed home education. Because of that mission, we have issued an official position on ESA's.

We Believe:

- *Parents are responsible for the education of their children.*
- *Those who receive funding should be accountable to the source of those funds.*
- *The freedom to educate according to one's conscience is more important than financial support.*
- *"School Choice" is best achieved through deregulation and lower taxes. This empowers parents and communities to determine what works best for the children entrusted to them. With fewer financial constraints, families will have more resources to allocate as they see fit.*
- *Funding homeschools will ultimately **reduce** "School Choice" because government-funded schools are no longer truly independent. A major limitation of public schools is their obligation to be accountable to the public rather than to parents. While this is appropriate since the public funds them, it also restricts parental authority.*
- *When tax dollars are used for education, some taxpayers inevitably fund belief systems that they do not support.*
- *A public school option already exists. Funding home educators will erode their independence. Instead, efforts should focus on improving public schools while allowing and trusting parents to educate their children as they see fit.*

Therefore be it resolved that the NDHSA is opposed to any public funding of home education.

Questions:

- Do we have an undefined term here? P. 3, line 24 – (educational services)
- Not even considering the Blaine Amendment is this Constitutional? (Authority vested)
- Will bills like this provide the ability for more families to homeschool? (Homeschooling is not expensive + historical implications)
- What is the premise of funding students rather than systems? (Using a collectivist funding method – just a repeat of what we already have)

Other Considerations:

- ESA's until 2022 were limited in scope – special needs, low income
- Universal ESA's are very new some states just implementing in January of this year.

On a Personal Note:

Qualified educational expenses

- j. Mental health assistance – money is not the issue, but lack of providers
- l. Educational camps – music camps, will this be a disservice to the student if the state provides \$.

Because of our concern about potential unintended consequences of this bill, I have worked with Representative Morton over the weekend to create an amendment that would make a distinction between students educated at home using ESA dollars and traditional homeschoolers as per current Century Code. This is often termed a “firewall of protection”. Many states either do not include home educators in ESA's or have created a firewall such as this. Kristy Rose will be following me to walk you through what a firewall does and data related to home education and ESA participation.

Sincerely,
Theresa Deckert
North Dakota Home School Association
Volunteer Lobbyist and Legislative Liaison
701-230-8166

March 16, 2025

Chairman Heinert and members of the Education Committee:

I am writing on behalf of myself as an individual citizen of North Dakota and as a parent and am asking that you oppose SB2400.

As a former teacher and as someone with dozens of family members and friends who are teachers in North Dakota I urge you to put your efforts toward supporting them rather than supporting bills such as 2400 which send a message to our ND teachers that they are not good enough. This costly bill would take my money as a citizen and send it to private institutions that I do not support.

Our state is full of spectacular educators who need more money and time and continuing education, please don't take money from them and send it to private institutions. Our children need these people in their lives, but how many more challenges can these educators take before leaving the field or the state? Please vote Do Not Pass on 2400.

Respectfully submitted,

Janet Anderson

Burlington, ND

Dear Senate Committee,

My name is Amy Lee, and I am writing in support of SB 2400. I am a mom to three children that attend Bishop Ryan Catholic School, with a fourth that will begin next year in preschool. I also am a middle school teacher at the school my kids attend. With my roles, I see firsthand what a parochial school provides for my children and my students. The job of any educational institution is to prepare its students for the outside world upon graduation. Bishop Ryan surely does this academically, but it provides so much more. With a faith-based education, the school also guides morally its students to lead virtuous lives. The virtues instilled in my children and students will take them farther than any A or B they receive in a class, or any honor they receive at graduation. Hopefully they will become productive, upstanding, righteous people in their families, workplace, and community. I love when my 3rd grader visited a nursing home monthly to give its residents companionship. I love when I see my students working with individuals that have mental disabilities providing them guidance and support or performing service projects around the city of Minot. I love when I get to teach my students the virtues that will give them the character they need to succeed in life. This bill would help our financial situation to ensure my children continue to receive the faith-based education that I want them to receive. It would also help more families experience the joy and pride of attending a parochial school, and the amazing opportunities their children can receive by having another option if they choose. Please consider voting yes to SB 2400.

I am writing in opposition of SB 2400.

I am a prek teacher in the Grand Forks area. I help prepare numerous children for school. I have been teaching in this field and in this community for 10 years. In that time the vast majority of families sent their children to our public schools. As our public schools serve most of the children in our community they deserve to go to schools that are properly funded so that they can get a good education and be best prepared for the world. Parents who make the choice to go to private school then accept the financial responsibility that comes with that choice.

As a teacher I don't want to see my students start off behind because of a choice to pass this bill. As a tax payer I want my "public" taxes to go to "public" schools. Private businesses, including schools, have opted out of public tax money. The same way parents who opted to chose private school chose to opt out of schools that are funded by public taxes.

This bill is nothing more than a financial break for families who have the privilege to chose their child's school. All families in North Dakota deserve well funded schools. Children with low income families and special needs will suffer the most if this bill passes. As adults in our state we have a responsibility to aid our children, all of our children, in any way that we can.

Thank you.

Tasha Bonn

Grand Forks

Chair and Committee members:

I am wholeheartedly **opposed** to our tax dollars supporting school vouchers and savings accounts for private schools. Our tax dollars should support **public schools that serve ALL students**, no matter their ability, background, or financial status.

Thank you.

Kay Schwarzwalter



North Campus: 124 North Terrace | Fargo, ND 58102 | 701.373.7100
 South Campus: 2720 32nd Ave S. | Fargo, ND 58103 | 701.893.3073

SB 2400 testimony — IN SUPPORT
Senate Education Committee
Bob Otterson, President, Oak Grove Lutheran School

Chairman Heinert and Representatives:

Thank you for the opportunity to provide written testify in support of Senate Bill 2400, a measure to create education savings accounts that benefit North Dakota students and families.

I ask you to consider pragmatism in your deliberations: Oak Grove and partner nonpublic schools provide options for students and families.

I am a teachers' kid, and I have invested my career in education, including 24 years in public higher education. Some of you may remember a movement 20-plus years ago, the Roundtable on Higher Education. It was built on the premise that North Dakota needed to retain its young citizens; the education sector was charged with preparing today's students to fill tomorrow's workforce needs, to address economic opportunities and threats, to provide care and well-being for children and an aging population, and to grow into leadership positions.

Today, we talk about school choice, and I still think about that charge around helping the young people of today find their places tomorrow. Oak Grove and our partner schools expand options for families, and we expand the pathways toward student success. All educators know that some students manage large environments; others flourish in smaller groups. Some students prefer many co-curricular options and extracurricular activities. Some students, in competitive classes, may focus on one or two activities. Meanwhile, students in smaller schools grow from sharing their talents across several pursuits. The state's private schools provide the right fits for some students and their families. That spectrum of options provides more breadth and depth for today's learners ... and more promise for retaining North Dakota's people resources. Senate Bill 2400 facilitates learners finding the best environment for them.

Oak Grove and our partner nonpublic schools attract families. This state's economic strengths include agriculture, natural resources, financial services, engineering and medicine. As you know, that economic vitality requires the recruitment of people to fill key positions in certain industry sectors. Some of those recruited professionals and their families look for private schools because their children know private schools in other markets. Senate Bill 2400 could augment recruitment of families for North Dakota.

Opponents of school choice proposals may tell you that a new biennial appropriation only serves families in the state's population centers. And that's one reason why the bill is important. Nonpublic schools provide a local alternative to public schools with graduating classes of 300 or more students. And our schools provide those smaller-enrollment options with financial prudence.

HB 1540 testimony — IN SUPPORT
Bob Otterson
page 2

Patrick Wolf, Ph.D., an education policy researcher at the University of Arkansas, has found that education savings accounts have multiple positive effects on students' academic performances in states where similar programs have been implemented, including academic performance, higher high school graduation rates, and higher college completion rates. Further, Wolf has noted that school choice programs have a positive correlation to public school performance, based on his research. I encourage you to read his opinion piece published in February in *The Forum of Fargo-Moorhead* (<https://www.inforum.com/opinion/letters/letter-school-choice-would-benefit-north-dakota>).

To close, I reiterate that my colleagues emphasize the position of private schools as part of North Dakota's educational ecosystem, not as competitors with public schools. We appreciate your interest in recognizing that position and parents' voices in the educational process. We share with public schools the awesome adventure of preparing tomorrow's citizens for service and leadership.

I ask for your support of Senate Bill 2400.

Sincerely,



Bob Otterson
President

Dear Chairman Heinert, Chairman Beard and Members of the Education Committee,

As a dedicated educator with over two decades of experience in the classroom, I am writing in opposition to SB2400 that would divert public funds to private and religious schools. While I support families having educational choices, I believe that public tax dollars should remain within the public school system, where they serve all students equitably and transparently.

Voucher programs present several serious concerns. As you know, public schools are already underfunded, and vouchers only make the problem worse by redirecting taxpayer dollars away from the students who need them most. When funding is siphoned from public schools, it leads to larger class sizes, fewer resources, and the elimination of crucial programs that benefit all children, especially those in rural and high-need communities. How equitable would it be for the students that live far away from a private school?

Vouchers often do not cover the full cost of private school tuition, meaning they primarily benefit families who can already afford private education. This leaves behind many low-income students who rely on strong public schools to receive a quality education. I once heard vouchers called “welfare for the wealthy” and I couldn’t agree more. Instead of funding private schools, we should focus on improving and strengthening public schools for **all** students, no matter what their tax bracket is.

Lastly, public schools are required by law to provide services and accommodations to students with disabilities under the Individuals with Disabilities Education Act (IDEA). Private schools, however, can deny admission to students with special needs or fail to provide necessary services, leaving some of our most vulnerable students without adequate support. I have MANY students every year that I know would not be accepted into a private school and/or would be asked to leave after a very short duration. Public schools don’t have that luxury of hand selecting their students even though we are often not equipped with the resources needed to help them either. As a former special education teacher, I can tell you that the burn out rate is already extremely high in this particular position (our district currently has almost 20 paraprofessional openings that are not filled and those classrooms are working everyday short staffed). Can you imagine what it would be like if there were even less resources?

Every day, I see firsthand the impact of these policy decisions on our children’s futures. If we truly value education, we must invest in our public schools rather than weaken them. I urge you to do what’s right for public education by voting **NO** on SB2400.

I appreciate your time and consideration on this important issue and I hope to see your commitment to strengthening public education.

Sincerely,

Kristi Reinke; 2021 North Dakota Teacher of the Year

Hello,

My name is Mike Zwingel and along with my wife Casandra, I write you today in support for HB 1540 and SB 2400 and for the state of North Dakota to follow the lead of several other states with school choice programs. We have five children, and all will attend Little Flower Catholic School in Rugby. We are fortunate to live in a rural community that has a private school and could not be happier with the quality of education that they receive. We would appreciate that our tax dollars could be used for our children's education. The state funding should follow the student, not the school.

Here in Rugby, we eventually will have to send our kids to the public school once they progress past Elementary, so we have a great chance to build a solid base to their education while they have the chance to start at a place with "Christ"-centered values.

Please consider that the stereotypes built around private schools and pulling funding away from public education might not be accurate. Families like ours could use any assistance to stay at a place that we love.

Chairman Heinert and members of the House Education Committee,

I am writing in opposition to SB 2400, which would set up an Educational Savings Account for non-public school students. I want my tax dollars to support our public schools. Therefore, I respectfully ask for a “no” vote on SB 2400.

I keep asking myself why I care so deeply about the negative impacts of SB 2400 and the answer is simple: the kids. As a proud North Dakota public school educator with 34 years of experience, I believe all children deserve access to the strongest public education possible, both now and in the future. For the last two decades of my teaching career, I have worked in a high-poverty school, and I have seen firsthand the challenges families face. It's for the first student who came to my Books & Braids program at my school and last year sent me a letter telling me that she is on her way to becoming a teacher, and for the student whose mom is working two jobs and still struggling to make ends meet, for the student who is homeless, for the student in foster care, and for the students whose needs go far beyond the curriculum. All students, including these students and students like them across the state who might not have someone to advocate for them, deserve to have the best public education—where dollars are not going to private schools that remain out of reach for many families, even with Education Savings Accounts. I am deeply concerned that these Education Savings Account bills will further disadvantage the very students who need support the most.

While some claim that this bill “levels the playing field,” this is far from the truth. Families living in poverty face significant barriers that Education Savings Accounts cannot erase, making these school “choices” unrealistic for some families. Even with financial assistance, many cannot afford private school tuition, uniforms, or reliable transportation. In fact, in many states, private schools increased tuition after bills such as this were implemented. These barriers make private schools an unrealistic “choice” for many of the families I have dedicated my career to serving.

Additionally, this bill lacks the accountability, transparency, and commitment to equitable access that public schools are required to uphold. Private schools receiving Educational Savings Account funds are not held to the same standards for student outcomes or financial reporting. This creates an unfair system that disadvantages the very students this bill claims to support.

Public education is the true equalizer—a system designed to welcome and support **EVERY** child, including those with special needs, regardless of their background or income. Unless private schools are required to accept all students, provide the services they need, and maintain the same level of transparency as public schools, taxpayer

dollars must remain in public education. An Education Savings Account weakens the foundation that serves the vast majority of North Dakota's children.

I urge you to vote NO on SB 2400 and instead invest in strengthening our public schools—the most effective way to ensure every child has the opportunity to thrive.

Kind regards,

Sara Medalen

Academic Interventionist and 2020 North Dakota Teacher of the Year

Testimony for SB2400

To Whom it may concern,

I ask that you vote in favor of SB 2400 to allow parents who are less fortunate to have an opportunity to send their students to a Catholic School to further their relationship with our Lord. Every denomination is welcome to attend our Catholic Schools. I also ask for your yes vote on 2400 to allow all families to have the opportunity to choose place their child will attend school whether in a Public School or a Private School. Thank you for your prayerful consideration.

Sincerely,

Michael Bichler

**Testimony, North Dakota House
Education Committee – SB2400
Presented: March 17th, 2025 – 9:00 AM CST.
Presented by: Jacob Odermann**

Mr. Chairman, members of the committee, my name is Jacob Odermann. My wife AJ, our four children and I are the 3rd and 4th generation to ranch on our family operation north of Belfield in Billings County. My children and I also represent the 2nd and 3rd generations that have attended Trinity High School in Dickinson.

The question at hand today to this committee is what value parochial schools provide?

In a word – choice, and for families like mine, we not only cover our cost of tuition, but also the significant cost of transportation to and from school, most days this means over one hundred miles of travel for family members.

Our family currently resides in a district with no high school and has chosen Trinity for 3 generations because of Trinity's Mission - teaching the whole student "Mind, Body and Soul".

Trinity and schools like it fill an important space for educational opportunities. High quality, accredited, faith-based education provides children with the opportunity to learn math and science while also being able to learn about their faith on a day-to-day basis. Teaching morals and values which are essential in today's society.

Titans see teachers and coaches do more with less every day, individuals who believe in our mission, individuals who could have left for greener pastures.

Giving up earthly treasure for the minds, bodies and souls of their students. These individuals truly are models of Christ and give students

an example of why giving of our time and talent is far more meaningful than any amount of financial wealth.

As representatives of your districts, I thank you for modeling the same type of self-sacrifice, you give of your time, talent and treasure to be in Bismarck representing the people of your districts.

North Dakotans for generations have emphasized education, families need to be able to choose educational opportunities which our best for their children.

With this bill you have an opportunity to provide financial support to ALL students educated in North Dakota regardless of school choice. I urge you to support SB2400.

Kristin Nelson

3/16/25

5409 20th Street South

Fargo, ND

District 46

DO NOT PASS SB 2400

Chair Heinert and members of the House Education Committee:

I write to you today to urge a **DO NOT PASS** recommendation for SB **2400**. I am concerned about the [new financial outlook](#) of our state and the priority of this bill. When prioritizing funding, our state needs to remember that we are **obligated by the state constitution to educate our children**. Public education has **innovative and top tier offerings** that we can only continue to offer students with proper funding. A 2% increase this biennium is **not** close to enough to ensure our **schools are well funded** and to offer our teachers **appropriate raises**.

Vote a **DO NOT PASS** on this bill. With all the uncertainty around the country and locally, funding private schools should **not be the priority**. Those that take their kids to private schools **can already afford it**. Only 32% of students have private school access so it makes no sense to make this bill a priority this year. **Fund** our public schools and **support** our public school staff.

For those reasons, **DO NOT PASS SB 2400**.

Respectfully submitted:

Kristin Nelson (she/her)

Members of the Senate Education Committee,

My name is Kelsey Connole and I am writing today in support of SB 2400. 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.

Not only would the passing of this bill create opportunities for parents to make educational choices for their children, it would also allow the tax dollars of families who send their children to non-public schools to be justly distributed among North Dakota students.

I strongly urge you to consider a 'Do Pass' on SB 2400 for the freedom of educational choice for the parents of North Dakota.

Thank you,

Michael & Kelsey Connole

As a private school parent, I understand the importance of private schools. My husband and I make the choice every year to send our kids to a private school that we feel provides them with the education they need. This is a financial, educational, and social choice we make every school year.

As a public-school teacher, I 100% value public school educators and students and understand the importance of every kid receiving a quality education. Public schools are notoriously underfunded, and teachers are underpaid for the amazing work they do. While that is the case, every teacher I know are there for the kids every day to provide them with the best education possible.

Taking public funds and routing them to private schools is not the answer. I know many have argued that these are not funds that will be allocated to public school anyway. I don't see that being an argument. These are public funds; they should not be used for private education. There are not enough private schools and not enough accountability in private schools for these types of bills to function appropriately. They tend to prioritize families like mine that can afford private school education already.

(<https://www.brookings.edu/articles/arizonas-universal-education-savings-account-program-has-become-a-handout-to-the-wealthy/#:~:text=Some%20of%20the%20takeaways%20from,likely%20to%20obtain%20ESA%20funds.>) The people taking advantage of these programs will not be those families that need the funding and if they do, these funds will not be enough to pay for a full school year of private education. If we want to prioritize education in ND and make students more successful, we should be looking at expanding programs like counselors, OT, PT, advanced learning programs for high learners, more paraprofessionals, smaller classroom sizes, state funded reading and math interventionist, the list can go on and on. Taking these taxpayer funds and using them to fund private and or religious education (in most cases in ND) is not what taxpayers want.

As someone who would financially benefit from this bill passing, I am submitting this testament to make it clear that I DO NOT want public funds to be used for private education.

SB 2400

I'm asking the House Education Committee to give HB 1540 a DO NOT PASS recommendation.

I'm a retired teacher who taught for 31 years in the Fargo Public Schools and am a lifetime North Dakota resident, and I feel that it's imperative that we keep public dollars in public schools.

Public education should not be privatized, and that is what happens when you funnel public tax money into private hands. Privatization (vouchers) puts children at risk, especially those children who are low income or have special needs. Private schools can choose which students they accept, and neurodivergent students and low income students won't be at the top of the list. In the meantime, since public taxes will be funneled away from public schools, the services there will take a hit. It's a lose/lose for students. Privatization will also leave rural schools at risk of closure or consolidation, and it will make the teacher shortage even worse.

Thank you for your consideration.

Jill Kurtz

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Fargo, ND 58102

fargojill@msn.com

SB 2400
House Education Committee
March 18, 2025

Chair Heinert and members of the House Education Committee. My name is Ana Tobiasz. I reside in Mandan, ND and have four children in the Mandan Public School System. I strongly urge a DO NOT PASS on SB 2400.

While my children currently attend public schools, my children have also attended the private schools in Bismarck. Due to the lack of opportunities that were present in the private school system, lack of bus transportation, as well as lack of support for our child with specific learning needs, we opted to transfer all of our children to the public school system and have been extremely satisfied with the services offered. In the private school system, anytime there was additional coursework needed it was accomplished through our robust public school system. The opportunities that students have in the Mandan School system as an example are exceptional for those who want to or need to take advantage, including the opportunities available through ND Distance Education and the career center.

Private schools receive their funding by tuition and community donations. They can increase the cost of tuition at any time if they need to increase services and are not bound by the same standards for admission. Public schools are required to provide services for all and in my experience have been a much better fit for my child with special learning needs. **This bill does not increase the amount of funds the private school receives, it just changes the source of a portion of the funding and removes funding for public schools.**

Families in this state already have school choice. You legally have the choice to send your children to public school, private school, or to homeschool. Geographically in the state of ND, the majority of students do not have access to private schools unless residing in one of the more urban areas of the state. There are already opportunities for additional coursework through ND Distance Education for those who reside in rural areas who may not have as many courses available in the smaller school districts. The bill sponsor argues that this would improve this access when these services are already robust and available to any public school student.

Families who want their children to have religion intertwined with their education can pay for their children to attend private school. There are other means to provide a religious foundation to your children, such as attending your local church services and what you teach at home yourself. Taxpayer dollars should not be utilized to fund your choice of religious upbringing.

Additionally, **directing taxpayer dollars to private religious schools is in direct contradiction to the ND Constitution. As referenced in Section VIII, Section 5: "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."**

It is to everyone's benefit to have a well educated community. We all do better as a society if everyone has opportunities. **Should individuals who do not have school age children and do not directly receive the benefits of the public schools receive a tax credit to use as they seem fit?** That is essentially the argument being used by the bill sponsors to justify the development of an education savings account.

We need to focus on making sure our public schools have the funds they need, not funneling money to individuals who choose to send their children to a private or religious based school.

SB 2400
House Education Committee
March 18, 2025

As a taxpayer, I am happy for my tax dollars to go to support children receiving a public school education and to ensure our educators are appropriately paid and our schools have the resources they need to serve our community. Undoubtedly the public school system is imperfect; but rather than funneling money away from public schools, we should invest in the structure already present to allow more opportunities within the public school system rather than taking away funding. Religion plays a different role for every person. My tax dollars should not be used to fund any religious views preferentially over others.

Respectfully submitted,

Ana Tobiasz

Dear House Education Committee,

My name is Katie Howard. I am a teacher in Devils Lake, ND and will have a child entering the public school system this fall. I am writing to express my concerns about SB 2400 and to advocate for the continued support of public schools in our state.

Our public schools serve all students, regardless of their background, ability, or socioeconomic status. Giving taxpayer dollars to private schools— which are not held to the same accountability and transparency standards as public schools— undermines the very foundation of our education system. Voucher systems like SB 2400 prioritize those who can already afford private education. I believe families should have a choice to send their children to a private institution, but taxpayers should not foot the bill for that choice.

Additionally, this bill would harm families in our rural communities where private school options are unavailable. Putting public funds toward private institutions weakens the resources that public schools depend on. Rather than implementing an ESA system that benefits a select few, we should focus on fully funding public education, where over 90% of North Dakota students are educated. I urge you to oppose SB 2400 and instead advocate for policies that strengthen public schools for all students.

Thank you for your time and consideration. I appreciate your dedication to the future of education in our state.

Sincerely,

Katie Howard

16 March 2025

Senate Education Committee
North Dakota Legislative Council
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Chairman Todd Beard and Senate Education Committee,

My name is Gloria Wolf, and I am a lifelong North Dakota resident. I write to submit testimony in strong opposition to 2025 SB 2400: Education Savings Account Fund, or any bill that suggests diverting public education funds to private schools.

I have an associate's degree, a bachelor's degree, and a master's degree all in nursing, and I have practiced medicine as a family nurse practitioner for nearly twenty-five years. I am proud to say that the foundation preceding all three of my advanced degrees was a well-rounded public education in Emmons County. Public school systems like the one I, my spouse, and all five of our children attended continue to function as a critical pathway for families in our beloved state. Any funding diverted from these schools is to the detriment of the many families and communities comprising rural North Dakota.

Private schooling is rarely an option for families outside of North Dakota's largest cities. Instead, in our state's smaller, rural communities, public schools act not only as the communities' backbone, but also as robust and competitive hubs of growth for students and their families. To maintain their operations, these schools rely on public education funding to invest in well-trained educators, support staff, and counselors to address the diverse needs of today's youth. I am grateful to my three immediate family members serving as educators in the public sector, and I am happy all eight of my grandchildren are attending or will soon attend public schools. With family members so intricately tied to the public education sector, I have a window into the needs and happenings in North Dakota's public schools; therefore, I fear any devastating diversions of essential funding caused by 2025 SB 2400 for small communities like mine.

Public taxpayer funds should remain within the public education system. Public schools are designed to serve *all* students regardless of their backgrounds, abilities, or financial status. Private schools, however, often cater to wealthier families; diverting funds from public schools via 2025 SB 2400 could exacerbate existing inequalities among social classes and weaken the public education system by reducing available resources. While private schools can recruit or selectively admit students, public schools must be able to serve everyone, which includes creating equal opportunities for students with special needs, for example, or finding ways to

address the burgeoning mental health crisis among American youth. Public schools cannot turn away families and students who come to them with unique needs and therefore should be prioritized in public funding to ensure high quality responsiveness.

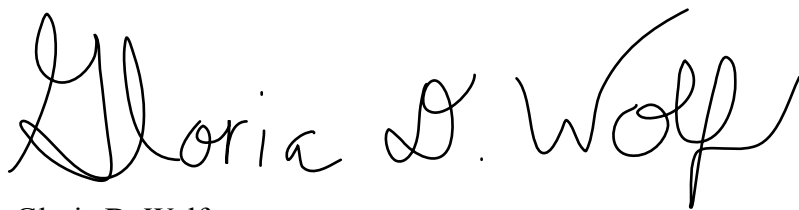
Because private schools are not held to the same standards of transparency, accountability, and accessibility as public schools are, there is no way to guarantee that increased funding to private schools will be used to enhance student education. These funds might instead go to recruit athletically competitive students from surrounding communities, to top off administrators' already-inflated incomes, or to assist with campus beatification—all perks unavailable to many smaller public schools. Until private schools are held to the same standards of financial disclosure, they should not benefit from public education funds.

Given that 2025 SB 2400 originated from legislators representing North Dakota's larger cities, there seems to be a conflict of interest at play, as these legislators look to pass a bill that benefits directly their children, grandchildren, or the children of their high-profile donors at the expense of North Dakota's public-school students. Bills that are not seeking to invest in the welfare of *all* North Dakotan children purport to be about equity but are actually elitist. Alternatively, a more equitable solution for private schools would *not* look to take funds from public schools but instead offer income-based tuition. This change would make private school education more accessible for a greater number of North Dakota families without compromising the resources of public education.

Regardless of the terms used to name these bills, they masquerade as vouchers to fund private schools at the expense of those students in the public education sector. It is a choice to send one's children to private schools, and I am a staunch defender of this choice; however, choosing private education comes at the cost of paying private tuition; this payment should remain the responsibility of those individuals seeking a private school experience. Public funds belong with public schools.

Thank you for your time and consideration. Again, I am strongly opposed to 2025 SB 2400, but I have a stronger faith in North Dakota's elected officials to do the greater good for the greater number of North Dakotans.

Sincerely,

A handwritten signature in black ink that reads "Gloria D. Wolf". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Gloria D. Wolf

TO: ND Senate Education Committee

FROM: Kathy Marquette

DATE: March 16, 2025

SUBJECT: SB 2400

Members of the North Dakota Senate Education Committee, the purpose of this memorandum is to provide written testimony *in opposition to SB 2400* relating to educational savings accounts.

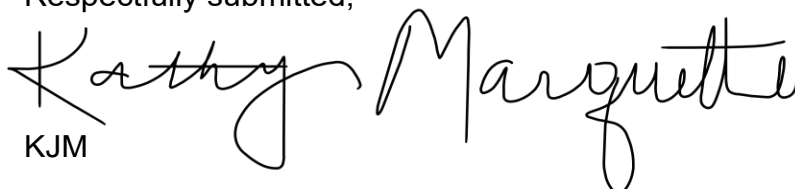
Having been in education for 31 years in the state of North Dakota—2 years at the secondary level and 29 at the post-secondary level, I have had the opportunity to work with a diverse cross-section of students, many of them coming from North Dakota high schools. Only 17 of 53 North Dakota counties--approximately 32%--have access to private schools. What does this say for the opportunities for many rural North Dakota students? Private schools are not located in rural areas, but rather in heavily populated cities such as Fargo, Grand Forks, Minot, and Bismarck. The North Dakota Constitution requires funding a uniform system of public education. By directing dollars to private schools, you are creating a great disparity between children in the state. Educational savings accounts should benefit ALL students. If parents want private education for their children, then they should pay for it.

Furthermore, where is the accountability and responsibility of using educational savings accounts at private schools versus public schools? Public money requires public accountability; public schools required audits; public schools require school board meetings; public schools require transparency, and public schools are open to all students regardless of background, sex, ability, and socioeconomic status. Private schools select their student bodies.

People must realize that rural schools are the “hub” of a community. Rural schools serve as centers for community activities, community spirit, community engagement, etc. Rural schools are already financially stressed, why add more strain by directing monies to private schools?

Thank you for taking the time to read my written testimony *in opposition to SB 2400*. I genuinely hope you take it into consideration.

Respectfully submitted,


KJM

Dear Senate Education Committee,

Today I write to you on behalf of my wife and I and our support of SB 2400. Our children attend Bishop Ryan Catholic school in Minot. We currently have four children and a fifth on the way. Our oldest two children are enrolled with our third attending part time next fall. Though financial sacrifices have to be made, we believe that the price for a Christ-centered education is worth the sacrifice. Tuition costs can feel overwhelming at times. This is the right decision for our children and our family and this choice should not be such a financial strain. The decision to send our children to Bishop Ryan was not difficult to make. Bishop Ryan offers our children the chance to grow both in their faith and excel in their academic education. I feel that there may be a stigma that if you attend a private school, your family is financially sound, so assistance is unnecessary. This is certainly a misunderstanding. Many families are willing to do whatever it takes to give their children a quality education that is centered around God, despite their financial situation. God being at the forefront of our children's daily lives is something that we feel is of the utmost importance. The grasp that our children have on their faith at such a young age reassures that we have made the right decision. We highly encourage you to support SB 2400. The passing of this bill would help tremendously with the affordability of private education for many North Dakota families. Thank you for your time and consideration.

Kyler and Dailey Elm

I am writing to urge the North Dakota legislature to oppose HB 1540 and SB 2400. Both bills divert funds away from our public schools. I firmly believe our tax dollars should be used to support those schools that serve all students. When my children were no longer attending school, I never imagined that I would stop paying to support my schools. Everyone in our communities benefit from educating our kids. They all deserve a chance to learn and this bill just makes it harder for schools.

As a parent, I had choices and parents today, still have those same choices, if they don't like the public schools their kids attend. I could pay for a private school (as long as the private school accepted them). I could homeschool. I could volunteer at the school, to help make things better. I could move to another school district. I could enroll my kids in programs and extra activities after school, to teach them about things they wouldn't learn at a public school, but were important to me.

These bills overwhelmingly benefit the people that can already afford to pay to send their kids to a private school. Public schools need to benefit all students.

Please vote no on HB 1540 and SB 2400.

Thank you for your consideration.

Debbie Kauffman

As a proud parent of a student at a private education school, I strongly support House Bill 1540 and Senate Bill 2400. These bills empower North Dakota families with educational savings accounts (ESAs), enabling us to choose the learning environments that best serve our children. For my family, a private education school has been that environment—a place that raises the bar for individual student success and, in turn, strengthens our state.

The smaller size and high standards of a private education school create a supportive setting where students thrive. Unlike larger districts like Fargo or West Fargo, a private education school offers personalized attention that meets my child's unique needs. The teachers know my student not as a number, but as an individual with distinct strengths and aspirations. This tailored approach has allowed my child to excel academically, grow in confidence, and develop skills that will serve them—and North Dakota—well into the future.

The rich history and commitment to excellence at a private education school also set it apart. It encourages students to participate in a wide range of activities, from academics to athletics to the arts. This holistic preparation ensures our graduates are versatile, resilient, and ready to contribute to our state's workforce and communities. I've seen firsthand how this environment fosters leadership and character—qualities that make North Dakota stronger.

ESAs would make this transformative education accessible to more families. These bills remove financial barriers while preserving parental choice. Importantly, this "new money" supports private education schools without detracting from public school funding—a win-win for our state.

North Dakota thrives when all students have the opportunity to reach their potential. The ability of a private education school to raise the bar for individual learners proves that private schools play a vital role in that mission. I urge the Legislature to pass HB 1540 and SB 2400, giving families the tools to choose the best education for their children. Together, we can build a stronger, more vibrant North Dakota—one student at a time. Thank you for your consideration.

Byron Snider

Chairman Heinert and Committee Members,

I am writing to plead with you to vote no on SB2400. As a mother to two children in public school and as current special education teacher, I don't want my tax dollars or public funding to go to private entities that do not have tell us how they used the money.

Currently, public school education has been granted only a 2% increase in funding from the state. With the possibility of losing a significant portion of federal funding also. More students attend public school than private. Please do not take away the funding that is so desperately needed.

Public schools provide equitable quality education for all. Private schools often can choose who comes in and out of their education system. Where would the funding go after a private school admission only to be kicked out at a later time and needs to go back to public school? A mere \$500 per pupil for public education will not justify the \$3500 that is granted to those in private education.

As our legislature has voted no on Universal School Lunches due to inefficiency of cost, I believe that SB2400 is also inefficient and does not benefit most.

I urge you to vote against Senate Bill 2400. As our voice, please lift up public policies that support and invest in and improve our public schools. Our students, their families, and their communities and North Dakota deserve a strong and well-funded public education system that benefits all, not just a select few.

Thank you for your time and consideration.

Sincerely,

Jessica Van Winkle

Senate Education Committee
SB 2400
March 16, 2025

Chair Heinert, Vice Chair Schreiber-Beck, and members of the Committee,

As a taxpayer, active community member, and proud mother of two public school students, **I urge you to oppose SB 2400.** While this bill claims to support all students, its ultimate goal remains the same—diverting public funds to private schools. The estimated **\$60 million** cost in just the first year is an irresponsible use of taxpayer dollars, pulling from the same pot of money that funds our public schools and shifting critical resources away from the 93% of North Dakota’s children who rely on them.

Public education is the foundation of our communities, ensuring that every child has access to a quality education regardless of income or location. Repeated studies of voucher programs across the country show they do not improve student test scores—and in many cases, have led to declines in academic achievement. Meanwhile, these programs create long-term funding shortfalls, placing unnecessary strain on state budgets and taxpayers.

North Dakotans value strong, accountable, and well-funded public schools. **Please vote NO on SB 2400** and keep public funds where they belong—supporting the students in our public education system.

Katie Christensen Mineer
2106 7th St N
Fargo, ND 58102
Katierose0620@gmail.com

Testimony of Nick Lee

Principal, St. Catherine School, Valley City

Chairperson and members of the committee, thank you for the opportunity to speak with you today. My name is Nick Lee, and I am the principal of St. Catherine School in Valley City. I am here today to share how our school serves a diverse range of students and why preserving school choice is essential for families seeking the best educational fit for their children.

At St. Catherine, we provide a learning environment that meets the needs of students with vastly different academic abilities and challenges—even within the same family. One of the families we serve has three children, each requiring a unique approach to learning. The first child, who in a public school setting would be placed in a resource room, benefits from a specialized curriculum in both reading and math. He also has behavioral needs, and through our partnership with the local special education unit, we are able to provide the majority of his services while receiving crucial oversight and support through Equitable Services. The second child struggles with reading and receives targeted, pull-out tiered intervention. Meanwhile, their third sibling is excelling academically and is challenged with instruction above grade level.

This is the reality of our school—we serve students of all abilities, backgrounds, and learning needs, ensuring each child receives the education they deserve.

I'd also like to share the story of another family who drives **34 miles one way** each day, across county lines, to send their children to St. Catherine. Their commitment reflects the reality that for many families, the best educational option for their children may not be available in their immediate community. Without school choice, parents in rural areas, where private school options may be limited or nonexistent, would have no alternatives beyond the local public school—regardless of whether it meets their needs.

Both of these families receive help—either from a family member or from our school tuition assistance fund—to make their children's education at St. Catherine possible. Our actual cost of education is over \$12,000 per pupil. Our actual tuition, however, is significantly lower—\$3,329 for a non-parish child and \$2,219 for a parish child, with additional discounts for families with multiple children. We work extremely hard to keep things affordable. And yet, the only reason I have ever turned a family away as principal is because of money—whether a real financial limitation or the perception that they could not afford it.

No one would bat an eye if every student currently attending St. Catherine decided to leave next year to attend public school. In that case, each of them would be fully funded at the per-pupil rate according to the state's aid formula. Why, then, is it controversial to suggest that these same children and their taxpaying parents should have at least a portion of that aid follow them to the school of their choice?

Furthermore, all students in our state—regardless of where they live—deserve access to the best educational options available. Students in cities like Fargo, Grand Forks, Minot, Bismarck, and Williston deserve the right to choose, just as students in rural communities such as Rugby,

Valley City, Langdon, and Belcourt benefit from private school options. The availability of school choice should not be dictated by geography.

Creating a reality where parents can seek the best possible education for their children—without the burden of financial hurdles—is not just a policy issue, it is the right thing to do. No family should be forced to make an educational decision based solely on financial limitations, especially when they are taxpayers contributing to the education system.

Are there solutions that would provide a nonpublic school option in every county in our state? I don't know. But what I do know is that there is a far greater likelihood of parental choice being exercised when there is choice to be had. Restricting or limiting access to school choice in some areas does not improve education—it simply eliminates opportunity for those who have it.

Every child deserves access to an education that fits their unique needs, and every parent deserves the ability to make that choice. Thank you for your time, and I welcome any questions you may have.

Members of the Committee,

As young professionals, my husband and I do not yet have kids, but we support public schools because public education helps us all. I urge a DO NOT PASS recommendation on SB2400, because it would allocate public dollars toward private schools- which don't receive the same accountability and oversight as public schools. Additionally, accurately tracking the "educational outcomes" from the other qualified expenses does not seem feasible. Further, the bureaucracy and administrative costs of this proposed program seem fiscally irresponsible.

Of course we should have programs that help working families, and there are plenty of chances to do that- from support for public schools, community programs open to all, and providing healthy meals to all students. Please do not spend millions of dollars on an ESA program. Most North Dakotans do not want public dollars going private schools. Many examples from other voucher-style programs show these programs help primarily folks already paying for private schools rather than lifting up the educational opportunities for more students. Thank you for your consideration.

Sincerely,
Olivia Schloegel
Jamestown, ND

I keep hearing that private schools/families should not receive money from the state because “only the wealthy send their kids there”. Well, we switched our children to private schools three years ago, and we are definitely NOT wealthy. We apply for financial assistance and make sacrifices in our daily lives to be able to send our kids to the school of our choice. Another reason that we hear about why private schools shouldn’t use state money is because they don’t provide special education services. One of our children struggles with academics and motor control, and while not being labeled with a disability, the school has bent over backwards to provide the services that our child needs, and because of their support and interventions, our child is now thriving and making huge gains.

Private schooling is not always about getting a ‘different’ education, but it is about the culture that we want our kids surrounded by. We value the religious aspect of their daily life. We actually send our kids to a Catholic school system, when we are not even Catholic. Why? Because it was the best setting for our three kids. We went on tours of different schools in the area and landed on this one because it ‘felt right’. Why should we, as parents, have to pay more in order to want the best for our children? Why should we, as parents, have to sacrifice many things in our lives, in order for our children to get the education and upbringing that we think they should have? As a public school employee for the past 21 years, and going through public school myself, I have nothing against public schools, but not all children learn the same, and not all children fit the same mold. Our children just happen to learn better in a smaller setting with a religious base to model their learning off of.

These bills that are going through the state are about personal choice, and allowing more options for parents to decide what is best for their particular family. I fully support school choice in North Dakota through HB 1540 and SB 2400 because in a country where we value independence and free thinking, shouldn’t we be able to choose the school that best fits our children’s needs?

Maren Wright

Fargo, ND

My name is Jessica Rogstad and I am writing in opposition to Senate Bill 2400.

I am a parent of three girls who attend public school in Fargo. No matter what these types of bills are called-education savings accounts, scholarship programs, etc-if they divert public dollars to private schools, they are vouchers. North Dakotans have consistently opposed voucher programs. Public funds should be for public schools where they can serve all students no matter their abilities, backgrounds, or financial status. As a former teacher at a private school I can attest to the fact that not all students can be served by private schools. Vouchers hurt the most vulnerable students in our communities and also do not benefit our many rural communities who don't have private school options.

Thank you for the opportunity to share my testimony.

Dear Chairman and Committee,

My name is Samantha Bryans. I live in District #38, and I am a parent who has chosen to send my children to Bishop Ryan Catholic School. I support SB 2400 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 Minot, 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 SB 2400.

Thank you for your service to the state of North Dakota and for your time on HB1540.

Sincerely,

Samantha and Ryan Bryans

Vote No: 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 what North Dakota families need. 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. I do not want my tax dollars funding private already wealthy schools or homeschools.

Voucher bills do not give North Dakota families any more 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. School choice is already available.

Public schools that receive state money follow the state's laws and rules. Private schools do not. They can refuse to admit students especially higher needs and higher cost students. The legislature is constitution-bound to provide a public education to North Dakota students. Support our public schools that are already doing great work with tight budgets.

I am a parent and school librarian in a public school. I am proud of the education my son is receiving, but I know that my district is struggling financially. Instead of diverting money to private already wealthy schools, give more to our state public schools, so they can continue to improve.

Sincerely,

Sarah E. Lerud

I would like to testify against bill 2400. I think the idea of ESA's sounds nice to homeschoolers and private school parents, but taking money from the government will lead to over regulation as the practicals of implementing this bill go forward. If parents do want ESA's, then I would prefer if there is a 4th "lane" for those who receive ESA's. I would like an amendment that would make a distinction between traditional homeschoolers as defined by law and those who receive ESA's

My name is Terri Niess. I have been a North Dakota resident for the last thirty years, have married a local North Dakota man, and we have chosen to raise our five children in North Dakota. This is our home.

As a teacher, I know education is of the utmost importance. We have chosen to have our children attend of a private Catholic school in our hometown. This was never a question to us, as Catholics who wanted our faith to be the focus of our entire foundation for our children's education. But that doesn't mean it hasn't been a sacrifice. The cost of the education in a private school, especially for all our children, is a challenge. This cost has had to be second to tithing in the importance of things that we have to save for each year, and will only rise as the cost of education continues to increase.

I was a public-school teacher for nine years before moving to teach at the private school where my children attend. In doing so, I lost over \$20,000 in income in addition to the benefits that the public school provided. I chose to do so because I knew that the environment of the private school was far more positive and would allow me to be able to be the healthiest, happiest, best teacher I could be for myself and my students. This school, the administration, and staff are truly a blessing for those that can attend her. This bill will provide the assistance that is necessary for others to be able to choose, whether they move schools or not.

A bill such as HB 1540 and SB 2400 would help my family, and many families in North Dakota, in a drastic way. These bills recognize that we, the parents, are the first educators of our children and the choice for where we educate is ours. This is incredibly important to us, so thank you. We appreciate that North Dakota allows us, as the parents, to choose the best education for our children to thrive in a school.

Sincerely,

Mrs. Terri Niess

Minot, ND

Dear Sir or Madam and Education committee Members,

Thank you for your time and service to our State!

My name is Marie Franks and I live in the Minot area. My husband and I moved to ND 18 years ago with our young daughter at the time. I am a retired police officer from Canada and have a master's degree in human resource administration from the University of Scranton, in PA.

My husband and I moved to ND from PA for a job opportunity at Trinity Hospital where he is an Emergency/Trauma physician. In our first visit to Minot, which was also our first visit to ND, I was tasked with touring the city to learn about the amenities and educational opportunities available to families with school age children. I can tell you that my husband and I would NOT have chosen to move to Minot, ND had there not been a Catholic School available to help us in educating our child.

Our two children have been part of the Bishop Ryan Catholic School where we have paid tuition for 18 years. In that time, our local school district gladly took our tax dollars, while our children received no educational benefit from them. There was even a time I asked them for small assistance and was originally denied the help until I pressed the situation, and suggested I would turn in all the receipts for the OT services I had paid for out of pocket that should have been their responsibility for my child with ADHD and Autism. By I digress, I believe that educational dollars should follow the child, the student who is the primary beneficiaries of the monies.

Providing school choice or educational freedom in ND assists parents with finding the right educational product for their child and it assists employers (like the healthcare industry that recruit out of state) to attract and retain candidates to our beautiful state. Potential work candidates look at many factors when relocating their families, and an important consideration is education.

Attracting new people to ND means providing more options to parents and passing this bill is a step in the right direction.

Thank you!

Testimony in Support of Senate Bill No. 2400**House Education Committee**

North Dakota Legislative Assembly

Dear Chairman Heinert and Members of the House Education Committee,

I am writing to express my strong support for Senate Bill No. 2400, which establishes the Education Savings Account (ESA) program in North Dakota. This bill gives parents the flexibility to choose the best educational path for their children, ensuring they receive an education that meets their individual needs. The ESA program allows families to use funds for a variety of educational expenses, including tuition, curriculum, and specialized services. By expanding choice, this bill encourages innovation and competition, leading to higher-quality education options. It also promotes fiscal responsibility by ensuring funds are used only for approved educational purposes.

Education is not one-size-fits-all, and this legislation provides families with greater control over their children's learning opportunities. I urge you to support SB 2400 and help North Dakota families access the best education possible.

Thank you for your time and consideration.

Sincerely,

Brenton Peltz

Bismarck, ND

Dear Legislators,

I am asking you to vote no on SB 4200.

In North Dakota, 93% of students attend public schools. Only 30% of students even have access to private schools, so shouldn't taxpayer money go to our public schools?

The problem with vouchers, savings plans, privately run magnet schools or anything else you try to call it, is a basic fundamental part of our country.

No taxation without representation!

Private schools are businesses with ZERO requirements to answer to the public about where money goes. If the school wants to pay their teachers less than a living wage and spend 2 million dollars to buy marble statues for the foyer, they can do that. If they want to give all the money to the superintendent to finance vacations or other luxuries, who can stop them? NO ONE! If the school decides kids named Tom are not allowed to enroll, that is their rule, they can take who they want.

Sometimes it seems like the average person has no power to impact the schools, but contacting your representatives and exercising your right to vote and supporting a free and ethical press are the power! The school boards of the schools are elected to work for the people. They take the calls, they read your emails, they are on the board because they want education to be good! The open record laws require meetings to be open to the public, access to see what was spent by who and for what has to be provided when the district is asked. Journalists are able to question and expose any irregularities. All these things keep the schools going in a positive direction by being a system of checks and balances.

Public money should not be put into private schools. No taxation without representation!

Vote no on 2400!

Thank you,
Brenda Cain
Fargo, ND

3-17-25

To Whom it May Concern:

I have homeschooled in North Dakota for 19 years and am asking for a no vote on HB2400.

If the bill is going to be passed, I would like to see an amendment that allows homeschoolers to have the option to opt out. The North Dakota Homeschool association has suggested a separate designation for those who opt out of participation, which would allow homeschoolers the ability to not be lumped in with this plan.

Thank you for your consideration.

Chaundra Railing

North Dakota Legislature
House Education Committee
March 17, 2025

Dear Members of the House Education Committee,

I am writing to express my strong OPPOSITION to HB 1540. This bill, which would allow public funds to be used for the support of sectarian (religious) schools and students/ directly conflicts with the North Dakota Constitution, specifically Article VIII, Section 5.

The North Dakota Constitution mandates that our state provide a "uniform system of free public schools" and explicitly prohibits the use of public funds for the support of sectarian schools. Article VIII, Section 5 of the North Dakota Constitution states:

"No public funds shall be used for the support of any sectarian school."

This clear language was included in our state constitution to ensure that taxpayer money is used for the benefit of public education and not diverted to support private, religious institutions. Our public schools serve all children, regardless of academic abilities or religious or cultural backgrounds, and are an essential cornerstone of our democracy. Allowing public funds to flow to religious schools undermines this principle and opens the door for potential divisiveness, inequity, and the erosion of the public school system.

Furthermore, this bill could create a significant financial burden on the state, leading to reduced resources for our public schools. Public funds should be used to strengthen and enhance our public education system, ensuring that all students have access to high-quality education, regardless of their background or religious affiliation.

I respectfully urge the committee to reject HB 1540 and uphold the protections enshrined in the North Dakota Constitution. Our state has a long-standing commitment to public education, and it is crucial that we maintain that commitment by ensuring that public funds are used exclusively to support our public schools.

Thank you for your time and consideration.

Sincerely,
Chad Benson
9411 West Ridge Road
Hankinson, ND 58041
chadbenson@yahoo.com
701-640-2603

Submitted to the North Dakota Legislative Assembly

Chairman Heinert and Members of the House Education Committee,

Thank you for the opportunity to provide written testimony. My name is Dr. Nick Klemisch, and I serve as the Superintendent of Garrison Public Schools. I am writing to express my strong opposition to Senate Bill No. 2400, which seeks to establish an education savings account (ESA) program that would divert public funds to private education, further eroding the financial stability of our public school system—especially in rural communities like mine.

Public education is the bedrock of our democracy, ensuring that every child, regardless of background, location, or income, has access to a quality education. This bill threatens that foundation by redirecting taxpayer dollars away from public schools—schools that educate all children, not just a select few.

The Negative Impact on Public School Funding

Senate Bill No. 2400 proposes an appropriation of \$3 million from the general fund to support education savings accounts. This reallocation of funding diminishes the resources available to our public schools, directly impacting classroom instruction, teacher salaries, special education services, and essential student programs.

For rural schools like those in Garrison and across North Dakota, every dollar matters. Unlike larger districts that may have a more diverse tax base, rural schools operate with limited financial flexibility. Our budgets are already stretched thin, and further reductions in state funding will lead to larger class sizes, fewer extracurricular activities, and reduced support services—ultimately harming the very students we are entrusted to educate.

Public Schools Serve All, While ESAs Serve a Few

Public schools are required to serve all students, including those with disabilities, those learning English, and those from economically disadvantaged backgrounds. Private institutions and home education programs, which stand to benefit from this ESA program, do not have the same obligation. Many private schools are selective in their admissions, meaning public dollars could subsidize institutions that are not open to all children.

Furthermore, there is little accountability to ensure that ESA funds are spent effectively or in ways that truly benefit student learning. Unlike public schools, which must adhere to rigorous academic and financial transparency standards, private schools and home-education programs operate with minimal oversight.

A Better Investment: Strengthening Public Schools

Rather than diverting funding to private entities, we should be investing in strengthening our public education system to ensure every child in North Dakota has access to high-quality instruction, updated technology, and the support needed to thrive in an increasingly competitive world.

Instead of passing Senate Bill No. 2400, I urge this committee to consider initiatives that provide direct support to public schools, such as increased funding for teacher recruitment and retention,

expanded mental health resources, and enhanced career and technical education programs that prepare students for future success.

Conclusion

Senate Bill No. 2400 is not just a financial shift—it is a fundamental departure from our commitment to public education. It takes limited taxpayer dollars away from the very institutions that educate the majority of our children and distributes them to a system with less oversight, less accountability, and fewer requirements to serve all students.

For the sake of our students, our communities, and the future of North Dakota, I strongly urge this committee to oppose this legislation. Our public schools need support, not funding cuts disguised as school choice.

Thank you for your time and consideration.

Testimony on Senate Bill No. 2400

March 17, 2025

Good Morning

My name is Dan Beauchamp and I am here to support Senate Bill 2400 for families that choose to send students to non-public schools. My wife and I have four children. Two are currently in college, one has graduated from college and is in the workforce, and one is currently a senior in high school. We made the decision to send our children to non-public school K-12 education. They started in Grand Forks and we now reside in Fargo. We have been very involved in our childrens education and their development of mind, body, and spirit. They all have recieved a great education that set them up to succeed in post secondary education and eventually becoming taxpaying adults themselves. We have been taxpayers throughout and pay taxes that fund education in public schools while also sacraficing to send our children to non-public school. This bill would help families that choose to send their children to a qualifying non-public school for their education. I strongly support the committee to give a pass to SB 2400. If any member of the committee wishes to reach me for additional comments or questions, I would be happy to respond. I respectfully submit this testimony and thank the Committee for its attention.

March 17, 2025

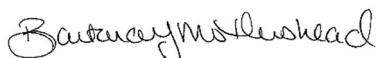
Dear House Education Committee

I am strongly encouraging you to oppose SB 2400. No matter the bill number nor what they're affectionately called - education savings accounts, scholarships for tuition, or school choice opportunities - they have the same effect. They use public funds to subsidize private schools.

- North Dakotans have consistently opposed voucher programs. No matter what these bills are called - education savings accounts, scholarships for tuition, or school choice opportunities - they have the same effect. They use public funds to subsidize private schools.
- Our state's responsibility is to use public funds for public schools, schools that must serve all students, regardless of ability, background, or financial status.
- Voucher funding comes from the same pot of money used to fund public schools, diverting critical resources that could and should be dedicated to meeting the needs of students in public schools.
- Voucher programs are not accountable to taxpayers nor fiscally responsible, creating massive, unsustainable price tags in states that have enacted them.
- Private school vouchers overwhelmingly benefit our state's largest cities, leaving rural communities without the same options while footing the bill for others.

I am a parent of two students that attend a rural school, and this would be detrimental to the school and the community we live in. Please vote in opposition to SB 2400.

Sincerely

A handwritten signature in cursive script that reads "Barbara Mothershead".

Barbara Mothershead

Olivia Data
Testimony Opposing SB 2400
March 17 2025

Greetings, Chairman Heinert and members of the committee,

My name is Olivia Data, and I was born and raised in North Dakota. I grew up in Bismarck, and I attended Highland Acres Elementary School, Horizon Middle School, and Century High School. I am now a student at Harvard University.

I greatly benefitted from a public school education. I had excellent teachers, and I appreciated the variety of perspectives which public school allowed me access to.

However, rather than bolstering the resources of our public schools, SB 2400 would divert public funds to private schools. Public funds should be used for public services, and especially in a time of great challenges to our schools and teachers, we should be *increasing*, not decreasing, public school funding. Our state is already facing teacher shortages, post-COVID behavioral issues, and funding inequalities between rural and urban schools¹. Providing taxpayer funding for private schools will not only worsen these problems but will show countless teachers and students in North Dakota that our legislature cares more for the privileges of the few than the opportunities of the many.

Please, protect our public schools by continuing to support the use of public funds for public resources. As a former North Dakota public school student and a current concerned citizen, I ask you to oppose SB 2400.

Thank you for your time in reviewing this testimony.

Sincerely,
Olivia Data

¹*Solutions for the Teacher Shortage in North Dakota*, Ricky Feir and Ethan Liu. North Dakota State University, February 2024: 5.
https://www.ndsu.edu/fileadmin/challeyinstitute/Solutions_for_the_Teacher_Shortage_in_North_Dakota.pdf;
McCann, Adam. 2023. "Most & Least Equitable School Districts in North Dakota." WalletHub. September 7, 2023.
<https://wallethub.com/edu/e/most-least-equitable-school-districts-in-north-dakota/77116>.

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

This session we have heard time and time again that the state doesn't have the money to provide universal school meals. If that is true, we definitely do not have the money for private school vouchers.

We've heard from legislators time and time again that they are against "paying for wealthy families' school meals" and therefore must means-test to ensure that we are only providing free meals for kids who "truly need it". Does this same logic also apply to subsidizing private school tuition?

The most glaring discrepancy though, is the most damning of this hypocrisy. All children, no matter their parents wealth or family situation, require basic nutrition to make it through the day. That is a biological fact.

It's common sense that in our society, a child's right to basic nutrition should trump a few parents' desire for the luxury of a private education. This is a "want" not a "need". That is also a biological fact.

In uncertain economic times where we are facing the real possibility of rapidly increasing food prices, looming federal cuts to important programs that help feed many working families in ND, loss of jobs and family income due to tariffs, we need to be using our state tax dollars to deal with these upcoming issues instead of helping a handful of families with a "want" instead of preparing for the very real needs of our working families.

Why is this even a debate?

We stand in solidarity with our public schools and educators and do not want to see any funding going towards private school tuition.

We recommend a "DO NOT PASS" on SB 2400.

Representative Heinert and the House Education Committee,

As representatives of many small communities in our state the impact educationally and financially will be felt in your districts not immediately but over time.

There is quite a bit of rhetoric regarding the belief that funding private schools increases scores. Yet there hasn't been one conclusive study to support that stance. In each state that has supported school vouchers, education welfare, ESA, etc. The belief was that by adding competition that over time you would see increased scores. In those failing urban areas, the proponents will point to success stories of a new charter or private school posting dramatically better test scores than the nearest public school. What they fail to acknowledge is that the school that they took those students from posted lower scores since their brightest students went to the charter/private school. What the result has been in every state with a 10yr minimum impact time has been is stagnancy. If one school rises and another school falls lower, you haven't increased student outcomes. You have created a social class barrier system or increased an already existing one. Public education was meant to ensure all Students received an education that allowed them to compete in the civilian market based on their drive and inherent intellect. By creating closed school systems (Charter/Private) that can select the students they educate you are creating a system in which educational opportunities will be disproportionately divided between haves and have nots. For this to happen in its current framework is acceptable to most. Those who choose to pay the cost or do the volunteer work so their children can have the parochial or private education they want already have that option. Parents who believe that a nearby school is a better school than the one they are in can already open enroll them in that district. Parents who choose to home-school their children already have that option. All parents and guardians in every public school district already can affect their schools' outcomes by becoming involved in the process and/or running for their local board. Student choice already exists in our state in every measurable aspect.

To speak of financial relief that should be due to parents who are "choosing" a private education, I would use this paradigm. The state provides me with a road to my farm. I pay my taxes, and they do the maintenance on the road. I have a road that serves my every need of transportation. If I "choose" to pave that road to ensure I don't get rock chips on my car, tractor, or truck would it seem reasonable for me to apply for a reimbursement through the state for the expense I have incurred to have that paved road by my own free choice?

There has been much said of the low impact this will have on public funds. A 50-million-dollar initial allocation isn't a drop in the bucket and is coming from a bucket our state says is limited. If the legislature can express in detail where this funding would come from and will come from in perpetuity that would go a long way in allaying people's fears of such.

The last thing would be to propose amendments to the current SB2400 to minimize the impact to public education. If you would like I would be happy to testify to these amendments.

1. That any institution private, parochial, or charter have a cap set on its tuition that matches the state foundation raise for that year. (If the per pupil goes up 3% that any institution that accepts

public dollars can only go up the same amount) This will ensure that private institutions don't simply go up to the amount the state reimburses within a few years and the only ones who win are the private schools.

2. Any ESA amount that is eligible to a public-school student would revert to that student's district at the end of the year if the student has not utilized it through the education marketplace. (Please talk to your local school administrators about the challenges they face getting those who most need free and reduced meals in their districts to apply for it. This would unlikely be different for those families applying for and utilizing ESA marketplace education options)

Thank you for engaging in this conversation. We need deep conversations about the future of education. As these bills find their way through, please consider me a resource on how they could affect the small rural districts you represent and that students within them. I was once told that a good board member cares about what is happening in their school that year. A great school board member cares about what will be happening in their school in 20 years. That is why we should both be strongly considering the long-term impacts of any legislation that will outlive your time as a legislator and my time as a board member.

Respectfully,
Lucas Greff

Mott, ND

March 17, 2025

North Dakota Legislators,

We are a homeschooling family from southwestern North Dakota. We have been homeschooling for over 8 years. In regard to Senate Bill 2400, we strongly oppose this bill. We encourage you to pass an amendment that would make a distinction between traditional homeschoolers as defined by law and those who take ESA funding. Thank you for your efforts to maintain freedom and do the right thing for homeschoolers and other citizens of this great state.

Respectfully,

Luke and Erin Stadheim
Rural Reeder, ND

Dear Chair and committee,

I am writing to express my strong opposition to SB 2400, which proposes to provide public funding for home and private education. As a member of the North Dakota Home School Association (NDHSA) and a firm believer in the importance of parental responsibility in education, I urge you to oppose this bill for the following reasons:

First, parents are ultimately responsible for the education of their children. Home education has long been rooted in the principle that parents, not the government, are best equipped to make decisions about their children's education. Public funding would undermine this responsibility by introducing government oversight and regulation.

Second, the recipient of funding is always accountable to the source of the funds. If homeschool families receive public money, they will inevitably be required to comply with government standards and oversight. This would compromise the very freedom that makes home education effective and tailored to each child's unique needs.

Furthermore, freedom to educate according to conscience is more important than funding. "School choice" is best accomplished not through government subsidies but by reducing regulations and lowering taxes. This allows parents and communities to create educational environments that meet the specific needs of their children, without interference from government mandates.

Therefore, I respectfully urge you to oppose SB 2400. Public funding for home education would compromise the independence and effectiveness of home and private schooling, ultimately undermining the very principle of school choice.

Thank you for your time and attention to this matter. I urge you to mark SB 2400 as do not pass or amend the bill to allow homeschoolers to opt out as well as removing the century code from the bill.

Sincerely,

Lydia

Chairman Heinert and members of the House Education Committee,

I am writing in hopes that you will **VOTE NO** on SB 2400, which would set up an Educational Savings Account for non-public school students.

Education is and always has been an important pillar of my family. I come from a long line of educators in the state of North Dakota. I have taught in Devils Lake, North Dakota for 20 years. And, I have two children going through the public school system.

I believe all children should receive a strong education. I believe all families have a choice to send their children to whatever school they feel is necessary for their children to succeed. And, I believe North Dakota has one of the best educational systems in the nation.

However, why do we feel it is necessary to send public tax dollars to private schools? If private schools were required by the state to follow the same expectations, laws, and regulations, then yes, send our public tax dollars there. But, they are not required to do so. So, I ask again, why would the state fund a private school with public tax dollars?

According to the National Center of Education Statistics, in 2021, North Dakota had 50 private schools with 13,690 students. In 2022, North Dakota had 511 schools with roughly 118, 513 students. This proposal sending \$60 million dollars this biennium to 14,000 students in the state of North Dakota does not make sense when 90% of your school educated students attend a public school.

The money that is being proposed in this bill could be used in the public schools in various ways. This includes updating buildings, special education and teacher recruitment/retention, transportation costs, and to fill school lunch account balances that the district is required to pay back at the end of the year.

I urge you to consider VOTING NO on SB 2400. I hope you choose to strengthen our public schools with the earmarked \$60 million dollars rather than sending it to private schools.

Thank you,
Courtney Klein

Members of the Education House Committee,

I am writing as a proud teacher from rural North Dakota to strongly urge you to vote **NO** on **House Bill 1540** and **Senate Bill 2400**.

These bills are nothing more than school voucher schemes that take public tax dollars away from public schools and funnel them into private schools and private families. This is unacceptable.

Our rural public schools are the backbone of our communities. Every dollar diverted from public education weakens the opportunities and resources available to our students, teachers, and families. Rural schools already operate on limited budgets, facing staffing shortages, transportation challenges, and limited access to specialized programs. We cannot afford to have our public funds stripped away to subsidize private institutions that are not held to the same standards, do not serve all students, and are not accountable to taxpayers.

Public money belongs in **public schools**, period.

HB 1540 and SB 2400 threaten to deepen the divide between students who have access to quality education and those left behind in underfunded public schools. In small communities like mine, where the local public school is often the only option, these bills are a direct attack on our students' futures.

I respectfully ask you to stand with North Dakota's public schools, rural communities, and taxpayers by opposing HB 1540 and SB 2400. Keep public dollars where they belong—in **public schools, serving every student**. Thank you for your time and consideration.

Sincerely,
Leah Brooks

House Education Committee

March 17, 2025

Submitted by: Carol Fey, concerned citizen

Re: SB2400 Education Savings Program

Chairman Heinert and Committee,

This bill scares me!! The Ashley Public School District already has 18 children that do not attend our public school, either they are attending other area schools, or are being home schooled. What do you think will happen if this bill passes?

We already allow home schooled children to use many of our school resources for free when they participate in our extracurricular activities and we are losing out on the state per pupil payment.

I am a parent of three and grandparent of three and our small committee cannot afford to see our small schools close. I do not mind paying taxes to be disbursed to our schools to use as they see fit for *all* students. If parents choose not to utilize them, that is *their* choice. That building is the heart of the community and believe it or not many people love to live in a rural community rather than Fargo and Grand Forks cities.

This is just another attempt for citizens to hold out their hands for another hand out with devastating long-term consequences.

Help to preserve the future of our small rural schools and vote no on SB2400.

Thank you

Dear Members of the House

I strongly urge you to support HB 1540/SB 2400 because ESAs will be good for our state. They will provide parents with greater autonomy over their children's education, increase educational opportunities through supporting new markets, make all schools more accountable to parents, and help to keep non-public education accessible to families. Our non-public school families currently save the State over \$80,000,000 per year because they pay for their children's education out of pocket, while public school parents (without being means tested) pay nothing for their children's education except taxes, which are paid the the parents of non-public school parents as well. This is fundamentally unjust. Bishop Ryan Catholic School provides a valuable service to its families and the state of North Dakota, it is only right that some support be provided to parents who choose non-public education for their children.

It is time that we give support to ALL our ND families to make choices for their children's education.

With much gratitude,

Marlo Nelson

Greetings Chairman Heinert and members of the committee,

I am submitting testimony in opposition to SB 2400. Education Savings Accounts, vouchers, school choice are the synonyms for what this bill pertains to, but what it really means is that public dollars are being used for private use. The choices that parents/families make are their CHOICE--they can choose private school or homeschool or public school. The cost of up to \$60,000,000 is an exorbitant amount and would not be a fiscally responsible decision made with taxpayer dollars.

The other reason for my opposition to SB 2400 is the lack of accountability by private schools and homeschools but yet is required for public schools. Providing funding, without the accountability, is not a fair and equitable stance.

The success of public schools across our state is outstanding! I am a school superintendent in a district where no private school options are available. I am also a taxpayer in a different school district where no private school options are available. I am also a parent of two children that are public school teachers and a grandparent of public school educated grandchildren. Bills such as HB 1540 will only erode sustainability of success in not only my district, but in school districts all across North Dakota!

Respectfully submitted,

Jeff Manley, Superintendent of Leeds Public School

Dear Members of the Senate,

I strongly urge you to support HB 1540/SB 2400 because ESAs will be good for our state. They will provide parents with greater autonomy over their children's education, increase educational opportunities through supporting new markets, make all schools more accountable to parents, and help to keep non-public education accessible to families. Our non-public school families currently save the State over \$80,000,000 per year because they pay for their children's education out of pocket, while public school parents (without being means tested) pay nothing for their children's education except taxes, which are paid the the parents of non-public school parents as well. This is fundamentally unjust. Bishop Ryan Catholic School provides a valuable service to its families and the state of North Dakota, it is only right that some support be provided to parents who choose non-public education for their children.

It is time that we give support to ALL our ND families to make choices for their children's education.

With much gratitude,

Marlo Nelson

Dear Chairman Beard and Members of the Committee,

I am writing to express my opposition to Senate Bill 2400. While I understand the desire to expand educational choices, this bill raises concerns about fiscal responsibility, equity in education funding, and government overreach into homeschooling.

Concerns About Public Fund Allocation

SB 2400 would allocate significant taxpayer dollars to private education through Education Savings Accounts (ESAs), potentially diverting much-needed resources from public schools. At a time when public education faces funding challenges, including the inability to provide free school meals to all students, prioritizing subsidies for private education is fiscally irresponsible.

Additionally, the bill proposes a disproportionate distribution of funds, with up to \$3,500 for private school students while only offering a flat \$500 for public school and homeschool students. This structure raises questions about fairness and whether taxpayer money should be used to fund private institutions that do not serve the majority of students.

Homeschooling Should Be Removed from SB 2400

Traditional homeschoolers have long operated independently of government funding, choosing to educate their children without taxpayer support in exchange for educational freedom. By including homeschoolers in SB 2400, this bill introduces a potential gateway for future government oversight and regulation of home education.

Historically, when government funding enters a space, regulations follow. Many homeschooling families fear that accepting ESA funds, even if voluntary, could lead to mandates on curricula, standardized testing, or other requirements that undermine the very autonomy that makes homeschooling successful. To preserve educational freedom, I urge the committee to **amend SB 2400 to remove traditional homeschoolers from the bill.**

Lack of Accountability for ESA Funds

Private schools and vendors receiving ESA funds are not subject to the same transparency and accountability measures as public schools. Without clear oversight, there is a risk of misuse of public funds with little recourse for taxpayers. Any legislation involving public money should ensure strong accountability measures, which SB 2400 currently lacks.

Conclusion

While school choice is an important discussion, it should not come at the expense of public school funding, nor should it introduce unnecessary government entanglement into

homeschooling. I respectfully urge you to **oppose SB 2400 in its current form and amend it to exclude traditional homeschoolers.**

Thank you for your time and consideration.

Sincerely,

Alyssa Clinger

Williams County

701-770-9824

Chairman Heinert and members of the House Education Committee,

I am sharing written testimony in opposition to Senate Bill 2400. In his landmark work *History of North Dakota*, Elwyn Robinson highlighted the important role that public education has played throughout the state's history, stating that "by every measure... schools were the state's most important cultural activity." Difficult though this task was (and continues to be) in a state with many sparsely populated areas, a strong system of public education is vital to providing opportunities that may not otherwise be available to the state's residents. I take great pride in the fact that I am the product of North Dakota's strong commitment to public education. From my time as a student at Valley City Public School to my undergraduate (and now graduate) work at the state's Land Grant institution, many of the opportunities I have had are the result of free public schools and affordable universities.

Long before North Dakota's public schools began opening doors for me though, they paved the way for the success of generations of this state's residents. All four of my grandparents graduated from rural high schools between 1950 and 1960, a time when everyone earning a high school diploma was not taken for granted. After they had completed eighth grade in country schools close to the farms where they grew up (schools that existed because of North Dakota's strong commitment to accessible public schools, especially in rural areas), my grandparents' families went to great lengths to ensure they could take advantage of the public high schools available in the nearest towns. This education was an invaluable part of their preparation for successful careers in production agriculture, rural telecommunications, and (coming full circle) rural education.

I share all of this to emphasize how valuable public schools have been (and continue to be) to the state of North Dakota (especially its more rural areas), and why Senate Bill 2400 gives me such great concern. I know that the proposed appropriation for educational savings accounts is currently independent of public school funding. Despite this, any state resources allocated for this purpose are resources not available for the many other functions the state funds, including foundation aid for public schools. Although I have no opposition to private schools or other services that would qualify for education savings account spending, I believe any entity using taxpayer funds needs to have a mission that serves the entire public. Additionally, public schools (both rural and urban) in North Dakota are faced with a host of challenges (teacher recruitment and retention, rising operating costs, aging building infrastructure, to name a few), and meeting these challenges requires strong financial support from the state. I urge the legislature to keep public dollars with the public institutions that need them most.

Thank you for your time and consideration of this important issue.

Sincerely,

Erik Johnson
Killdeer

SB2400, if approved, would greatly increase the value of our educational system throughout the state.

Educating our young people is one of the primary pillars of building a strong and innovative North Dakota. I do feel that per person funding should not be limited based on choice of school. If these private students were to choose to go to public education, that would actually decrease funding opportunities and infrastructure for the public school students. Setting up this other fund would truly be the best alternative to allowing all students equitable access to education where they learned best.

I just wanted to remark on my personal experience with private education. I am a graduate of Shanley High School from the year 2002. More than 15 of my 55 classmates have private businesses across the state that are thriving and positively contributing to our communities. Innovation, healthcare, meeting workforce needs, and delivering high-quality services to our citizens is paramount. A large number of my graduating class and many others of those from Shanley High School continue to live and work in North Dakota. For example, I teach at one of our universities in North Dakota. Every year, I educate over 150 pharmacy students and equip them to serve the citizens of North Dakota and meet our land grant mission. I also coordinate a statewide opioid risk and harm mitigation program that has served over 27,000 patients across our state. I contribute a large part of this to the education and values that I learned in my K through 12 formative years.

Please consider a yes, vote on both of these bills so that the state of North Dakota can continue to grow our K through 12 platforms and graduate, passionate, highly motivated, and committed citizens in North Dakota.

Heidi Eukel

April Dutchuk
338 2nd Ave NW
PO Box 978
Killdeer, Nd 58640
March 17, 2025

North Dakota Legislature
600 East Boulevard Ave
Bismarck, ND 58505

Dear North Dakota Legislature:

Vote NO on SB 2400. Providing a taxpayer with a subsidy for homeschool expenses, private school tuition, or other education related costs will have a negative impact on our public schools throughout the state. Public dollars are meant to stay in the public schools which are required to serve all students, regardless of ability, background or financial status. Many of our public schools are already struggling to cover expenses as costs have continued to increase. It is our state's responsibility to keep public dollars public

This bill does not provide for accountability to the taxpayers for their dollars nor fiscal responsibility. Other states that have implemented such programs now have massive, unsustainable price tags. There is nothing preventing a private school from increasing their tuition that amount of the voucher. Thus, doing nothing to benefit the taxpayers and ultimately only taking away from our public education especially in our smaller rural communities which serve the majority of our state's children.

Vote NO on SB2400 and keep public dollars public!

Sincerely,

April Dutchuk

April Dutchuk

To the ND House Education Committee,

Hello,

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

I support SB 2400, 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 2400.

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 2400.

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

Respectfully,

A handwritten signature in cursive script that reads "Kristin Franzen".

Dear Representatives,

I am writing to express my opposition to the proposal to use public dollars to fund Educational Savings Accounts, SB 2400. As an educator with almost 32 years of experience in North Dakota public schools, I have seen firsthand the positive impact that our public education system has on students and the community. My family has deep roots in public education – I graduated from a North Dakota public school, as did my wife and children. We are all proud of our public education and are active, tax-paying members of this state.

I strongly believe that the implementation of ESAs will take vital resources away from the public education system and ultimately harm students in our state, especially those in rural areas. Rural schools, where options for school choice are limited, rely heavily on public funding to provide quality education. Diverting money from public schools to fund ESAs will only exacerbate the challenges rural schools face, including limited access to resources, teachers, and extracurricular opportunities.

While school choice may be a viable option in urban settings, it does not work the same way in rural communities. Public education serves as the backbone for rural areas, and we need to focus on strengthening it, not undermining it by diverting funds away. By investing in public schools, we can ensure that every child, no matter where they live, has access to the resources they need to succeed.

I urge you to take a stand for public education and oppose the use of public dollars to fund ESAs. Let's invest in the future of our students, our communities, and the state of North Dakota by supporting and strengthening our public education system.

Thank you for your time and consideration. I trust you will make the right decision in support of North Dakota's public schools.

Sincerely,

A handwritten signature in cursive script that reads "Monty Mayer".

Monty Mayer
Velva Public School Superintendent

House Bill 1540 and Senate Bill 2400 – Do Not Pass

My family farms in Butte, a tiny town in McLean County. My mother and aunts were public school teachers in Butte, Minot and Bismarck. I live in Bismarck and pay taxes in both Burleigh and McLean counties.

I am opposed to both HB 1540 and SB 2400 for a few reasons:

1- Small towns like Butte don't have private schools or access to many of the services listed on the “eligible expenses” of these bills. In many cases, the only place for small-town kids to receive dyslexia services or mental health help is the public school and those services are already covered by taxpayer money. Giving taxpayer money to parents to spend on private school or private services separate from the public school will not benefit the rural kids nor the rural schools. Their “problem” isn't not having the money for these things it's that these things don't exist for them outside the public school.

2- The majority of students benefiting from education spending accounts like those set up in these two bills are ALREADY enrolled in private school or already receiving services through a private business. In some states, that percentage is as high as 93%. So we are not creating more options nor are we providing actual choices with either of these bills.

Please do not pass 1540 nor 2400 as they are not solutions for improving education in ND and will not benefit the majority of ND kids.

Sincerely,
Karen Wolfer
Bismarck, ND

My name is Barry Nelson, I live in Fargo, ND and I am opposed to SB2400 and urge a no vote on this attempt to divert monies away from our public schools.

I am a product of the North Dakota public school system graduating from the small public school in Kathryn, ND. My wife is a product of the North Dakota public school system graduating from the moderately sized public school in Bowman, North Dakota. My children are products of the North Dakota public school system, both graduating from Fargo North. Currently, I have five grandchildren either attending public school in North Dakota or soon to be. We would all attest to the fine quality of those educations and advocate that a highly successful public school system should not be tampered with, much less undercut with funding.

Adequate funding has always been the hallmark of public education in North Dakota. Despite our state ranking near the bottom of salaries for our teachers, we continue to see exemplary staff filling those teaching roles. Our efforts should be directed at supporting our current system, while making sure that special services are adequately funded and that eventually school lunch for all is instituted.

We at one point considered private schooling for our children. We have relatives who have elected to send their children to private schools. Under both circumstances we know that if we choose a private education, it would be at our cost. I have no regrets that we chose to keep our children in public schools as they received an excellent education.

Please vote no on SB2400.

March 17, 2025

Dear Elected Officials,

I am writing to urge you to oppose SB 2400.

SB 2400 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.

As a parent whose children attend public school and speech-language pathologist who works for a special education unit and provides intervention to students in public schools in five different school districts, I see firsthand the students who will be negatively affected by this bill. Please protect our children's education by voting no on HB 2400.

Thank you for your time and consideration.

Sincerely,

Alexie Adair

610 Elm St, Lisbon, ND 58054

*The Forum of Fargo-Moorhead published the following letter from me in its Saturday, March 8, 2025 edition.

“The child is not the mere creature of the state.”

So wrote Supreme Court Justice James C. McReynolds, in the unanimous 1925 court decision upholding the rights of parents to choose the best education for their children (*Pierce v. Society of Sisters*).

Yes, a Catholic religious order, “Society of Sisters of the Holy Names of Jesus and Mary,” was the plaintiff in the case as the sisters challenged Oregon’s 1922 law that required all students to attend public schools with the 1926-1927 school year. Oregon Governor Walter Pierce was named as the respondent in the sisters’ lawsuit.

Several decades after the ugly, anti-Catholic Blaine Amendment initiatives of the late 19th century, this new wave of bigotry, led by the Ku Klux Klan, further sought to intimidate Catholics. (Recall, for example, Fargo’s Anti-Catholic Klan rally and parade in September of 1925 as 8,000 people gathered at the Fargo fairgrounds. Recall, also the pervasive presence of the KKK in the halls of power in Grand Forks in the mid-1920s.)

In upholding the freedom of parents to educate their children in the school of their choice, the Supreme Court also acknowledged that the state has a right to regulate non-public schools and to require compulsory education of children. Thus, a century later, we comply with the non-public school approval process through the North Dakota Department of Public Instruction (DPI) and follow the applicable state and federal regulations for schools.

Twenty-two years after *Pierce v. Society of Sisters*, another Supreme Court ruling (*Everson v. Board of Education*, 1947) found that a New Jersey statute that provided parental reimbursement for busing to non-public schools—including Catholic and other religious schools—did not violate the establishment clause. Rather, the court held that law benefitted the common good and facilitated the free exercise of religion by parents.

I am supremely grateful for these two Supreme Court rulings, for my life would likely have been very different without these precedents.

In the summer of 1969, my family moved from Minneapolis to a farmstead in rural Minnesota. My parents wanted to exercise their right to choose a Catholic school for me and my siblings. They were also empowered to do so with a new Minnesota law modeled on the *Everson* decision that allowed non-public school students to ride the public-school bus.

In speaking with my mother recently, she revealed that without the then-new busing option, my parents wouldn’t have been able to send us to Catholic school (which, in hindsight, gave me tremendous, unique opportunities).

I am grateful for the progress of School Choice Bills in this North Dakota legislative session. Besides empowering and enabling parental choice, they would also cultivate the common good

and invigorate the educational landscape. Those are good choices for any state that desires a well-educated and engaged citizenry—not “mere creatures of the state.”

Mike Hagstrom
Fargo

President, St. John Paul II Catholic Schools
Director, Diocese of Fargo Catholic Schools
Office Phone: 701-893-3244

*Dear Education Committee Members,

Given the various means available to attain the end of education—a public good for the State of North Dakota—please consider the Education Savings Accounts as an effective way to enable parents to choose the best means of education for their children.

Thank you for your consideration of the ESA bills in the legislative process.

Mike Hagstrom

Public funds should only be used for public education!

March 17, 2025

Re: SB 2400

Dear Members of the House,

As parents, it's our duty to educate and form our children into responsible, contributing citizens with honesty and integrity. As Christian parents, it is also our duty to raise our children to know, love, and serve God. It is our right and responsibility to choose how best to execute these duties & it is the responsibility of our government to assist parents in that execution.

While public schools can meet some of our requirements, they do not meet all and are not always the environment that best suits the needs of every child. For years, the state has given NO assistance to the parents whose children's needs are best met in a private school setting. The state has failed in its responsibility to assist parents in the education of these children.

When the military brought us to Minot, we fully intended to put our children in public school. However, when we learned how large the public schools were, we knew that they would not be the best learning environments for our children. Based on their learning styles, we knew our children needed more individual attention than the public schools here could provide. Therefore, we made the very scary financial decision to enroll them at Bishop Ryan Catholic Schools. Over the next five years, even though our income was low enough that we qualified for the WIC program, we somehow came up with the money to pay the tuition each year.

We'd planned to move upon military retirement to a more rural area closer to family. Instead, we ended up staying in Minot solely because of BRCS and our church here. We are now in our 20th year of paying tuition (several thousand each year) scrimping, saving, and pinching every penny to do so, while my husband commutes 75 miles twice a day for work, and 160 miles to help my cousin farm. For the last fifteen years we've been paying property taxes in Minot. Our children have never received any benefits from those tax dollars, with the exception of when one of our sons was on the Jim Hill swim team one year, and another son was in the Vivace Orchestra one year.

Shouldn't the monies that our state designates to educate its young people belong to ALL of those young people? Shouldn't it be used to educate those young people no matter what school they attend (as long as accredited)? Why are we being penalized for sending our children to the school that best meets their needs for both academic & human formation? The state is failing to meet its obligation.

Four of our 6 children have graduated from BRCS, attend/ed ND colleges, and are living and working in ND, contributing to our state's economy. The oldest owns her own business (Far Out Nuts), the second is a mechanical engineer for Bobcat, the third is a project manager in risk management for an insurance company, and the fourth is studying cybersecurity, interning with Doosan. The fifth is taking college courses through BSC as a sophomore in HS, considering Electrical Engineering, Cybersecurity, or Information Technology Management as majors. The sixth is still considering his options. BRCS has done an exemplary job of assisting us in educating and molding our children into contributing citizens of this great state. It's time for the state to step up to do its part.

Thank you for your work on the Education Committee.

Sincerely,

Mary Finley
515 9th Ave. SE
Minot, ND 58701
701-838-0039

To the House Education Committee,

I am writing to urge you to vote no to a bill that would use public dollars to offset “nonpublic” school costs, HB 2400.

North Dakota has worked to provide for a high-quality public education system, while being responsible with the way we spend this money. We need high-quality schools. Public education provides open access to high-quality education with the money provided by the state. If those who would like to select another “nonpublic” option do, it does not need to be with the state's money for the education that they have elected out of.

North Dakotans have opposed voucher programs in the past, and by changing the name to Educational savings account, we're ignoring what has happened when this has come to the ballot. Educational savings accounts, scholarship programs, whatever the name, if they divert public funds to “nonpublic” schools, they are essentially a voucher program.

While ESAs may make access to “nonpublic” choices easier for some, it may also raise the cost of tuition or any of these related educational services or expenses since the money is there. We’ve seen similar rises in costs when it comes to medications and health insurance: the prices go up to utilize the dollars that are in the market. The cost for “nonpublic” schools may seem more palatable when it's being offset by these ESAs, so the cost of providing these services may ultimately go up.

I want the best possible education for my child. As an educator in a public school, I see how hard my colleagues work each day to provide a high-quality education. This is our life. When we are dealing with public school facilities that need to be updated or curriculum to provide the best for our students, we seek to be responsible with the funding the state provides us. We are beholden to standards that “nonpublic” institutions are not, such as academic, access, and quality standards. Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status. We know we need to do more for student mental health and to create competitive salaries for these professionals, and we can't be in competition for the funding that is currently being provided. As a state, we weren't ready to provide school lunches to 100% of public school students, though we did move in expanding that access. This speaks to concerns about the cost when those would have been available to every student who took advantage of the public education North Dakota is already committed to. Public schools work to serve their whole communities, and high-quality, well-funded schools benefit their communities, whether they are the only available option in an area or if there are viable “nonpublic” options.

We know that we want to do more for all students, and keeping public money for public education allows that choice for all families in our state. If they choose not to access public education, that is a choice they're making for themselves, and the state shouldn't be subsidizing that choice when the state is providing high quality schools open to all and can hold those public

institutions to account, ensuring the high-quality education that North Dakotans expect in all communities. Please vote no on HB 2400, and keep public funds for public schools. Thanks for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony McIntyre". The signature is fluid and cursive, with the first name "Anthony" and last name "McIntyre" clearly distinguishable.

Anthony McIntyre

English Instructor

Jamestown High School

March 17, 2025

North Dakota House Education Committee
State Capitol
Bismarck, ND 58501

RE: Endorsement of SB 2400

Esteemed Members of the House Education Committee:

The North Dakota Constitution establishes a commitment to education to encourage all students across our state to grow in “the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.” Our founders understood the importance of an educated constituency and its role in our state.

In conversations with teachers from different schools, public and private, the one comment that I hear most often is frustration with the thinking that there is one singular style of education that will impact all students. Their recognition of the dignity of students is a tribute to the effort they make in getting to know each individual learner and trying to figure out how to best teach each one. We encourage teachers to branch out and learn more about different approaches to teaching that make them more fluent in speaking the many languages of student education.

With those opportunities and investments in mind, it would seem short-sighted to then argue that there is one kind of school that best meets the needs of all students. We know there is no one-size-fits-all approach to education or educational settings. We can’t have both sides of the coin; either different students thrive in different educational settings, or there is no need to encourage and support our teachers in learning other approaches because our Department of Public Instruction has figured out the one and only best way, and our students are thriving because of it.

(I would offer that our state assessment scores don’t necessarily support that theory.)

This is why SB 2400 is important legislation. It allows parents to choose the school that best addresses the needs of the individual student. That opportunity is also attractive to families considering raising families in or relocating to North Dakota because they see our state recognizes their children are not one-size-fits-all cogs to set into a machine.

Good students and good families sustain our communities through a vision of education that truthfully recognizes there is no one-size-fits-all setting and that our entire state benefits from helping all children learn, no matter the classroom. 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 2400, recognizing that there are multiple ways in which that goal is accomplished.

Sincerely,

Jaimie Brunner
1604 Terrace Dr
Minot, ND 58703

Hello

My name is Chauncey Klein and I 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. I thank you for the support that you've shown for SB 2400 and HB 1540 and hope that we can count on your continued support.

Regards,

Chauncey Klein

To: House Education Committee

From: Stacy Benz, Public School Parent & Public-School Superintendent

Re: Opposition to SB 2400

I am writing to you as a parent of a public-school student, tax-paying citizen, and public-school Superintendent. **I urge you to oppose SB 2400.**

Any bill that supports public funds going to private schools is wrong. Private schools can pick and choose who they serve while public schools serve all students regardless of income, ability, and background. Students that live in rural areas do not even have the choice of going to a private school as they are only available in larger ND cities. Even though rural students do not have a choice, they are still losing out on public school funding due to education savings accounts.

It is the state's responsibility to use public funds for public schools. If taxpayer dollars are going to private school use in the form of ESA's, per-student funding is down considerably in public schools. This will equate to cuts in teaching staff, extracurriculars, and advanced courses.

SB 2400 inequitable and hurts our public school and rural school students.

Vote NO on SB 2400.

In regard to SB 2400, please make a distinction between traditional homeschoolers and those who choose to accept an ESA. I choose freedom over financial benefit.

Kodi Handeland
1070 Highway 5 NE
Bottineau, ND 58318
Kodi.handeland@k12.nd.us
03/17/2025

Dear Senate Education Committee,

I am writing as a proud parent and teacher from rural North Dakota to strongly urge you to vote NO on House Bill 1540 and Senate Bill 2400. These bills are nothing more than school vouchers schemes that take public tax dollars away from public schools and funnel them into private schools and private families. This is unacceptable.

Our rural public schools are the backbone of our communities. Every dollar diverted from public education weakens the opportunities and resources available to our students, teachers, and families. Rural schools already operate on limited budgets, facing staffing shortages, transportation challenges, and limited access to specialized programs. We cannot afford to have our public funds stripped away to subsidize private institutions that are not held to the same standards, do not serve all students, and are not accountable to taxpayers. Public money belongs in public schools, period. HB 1540 and SB 2400 threatens to deepen the divide between students who have access to quality education and those left behind in underfunded public schools. In small communities like min, where the local public school is often the only option, these bills are a direct attack on our students' futures.

I respectfully ask you to stand with North Dakota's public schools, rural communities, and taxpayers by opposing HB 1540 and SB 2400. Keep public dollars where they belong – in public schools, serving every student.

Thank you for your time and consideration.

Sincerely,
Kodi Handeland

To whom it may concern:

As you move forward in your role to serve the people of North Dakota in the areas of education, I hope that you will consider the people that are in the “trenches” of our schools. My name is Karrie Bohan and I am a special education teacher in Grand Forks. I have been teaching special education students for 31 years. I went to the University of North Dakota and received a double major in Elementary and Special Education. My husband and I moved to Idaho for 9 years and worked there, but decided that it was best to return to the state of North Dakota. I have been working with middle school students with disabilities in Grand Forks ever since then.

As an educator, I have witnessed many things with our youth. They have the power to become positive contributors to our society. They can be smart, genuine, caring, funny, empathetic, strong, creative, engaging and much more. They need us, as adults, to do better. We need to model the behaviors and actions that we want to see in our youth. We need to support public education in North Dakota.

Public Educators work with diverse populations. We work with all children from varying abilities and backgrounds. This is necessary in our society and in the state of North Dakota.

I am opposed to any school choice legislation. I understand and agree that all parents have the right to school choice, and frankly, they already do have choice. I disagree with any plans that are out there that would offer public funds to families who make the choice to send their child to a private institution. Public education is underfunded every year and district personnel work diligently to find ways to give students what they need, even with the lack of funding. Teachers purchase their own supplies, snacks for students, and work extended hours in order to create positive experiences for **all** of their students.

Funding for public schools needs to be a priority in our state. With the threat of losing even more funding, due to the demolition of the Department of Education that helps to disperse Title One funds and funds for students with disabilities, the state really will need to step up the funding for public education. Our state needs to fully fund public education.

Karrie Bohan
District 43
Grand Fork, ND

Good morning,

I oppose SB 2400.

As a homeschool mom of five children for the past eleven years, I have enjoyed the liberty to educate my children in ways and at a pace that suits each of them individually. I do not take this liberty lightly. I understand that homeschooling was not legal in North Dakota a few short decades ago. My concern is that if homeschoolers are categorized side by side with students who accept ESA funds, government accountability measures tied to that money will encroach on the education liberties my family and many others enjoy in homeschooling.

As an example, I choose not to test my students when they are young. One child of mine has dyslexia and was unable to read until age eleven. He would have failed any standard reading test based on grade or age. At age fourteen, he now reads for pleasure and listens to books that are at a college reading level. He does not know he has dyslexia. I chose not to tell him so he would not think of himself as unable to do the hard work of learning to read, and more importantly to me, to enjoy reading. Therefore, I value the liberty to make the choice of opting out of standardized testing to allow my students to progress with learning at their own pace.

What do standardized tests have to do with SB 2400? Allocated government funds should have accountability measures. If ESA funds are taken by students, the government must access the use of those funds in some way. As standardized tests have long been a measure of students' success in learning, it seems inevitable that in the future, testing will be required for students accepting ESA funds. If traditional homeschoolers are categorized with public or non-public students, it is not a stretch to see that soon testing will be required of homeschool students as well.

Traditional homeschoolers must remain separate from students learning in public or non-public educational programs, otherwise, the liberty we now enjoy will begin to shrink.

Sincerely,

Anna Letvin

Testimony in Opposition to Senate Bill 2400

Submitted by Michelle Fuller, Principal of Bob Callies Elementary School, Garrison, North Dakota

Chairman Heinert and Members of the Education Committee,

Thank you for the opportunity to testify today. My name is Michelle Fuller, and I am the principal of Bob Callies Elementary School in rural North Dakota. I strongly oppose Senate Bill 2400, which would establish an education savings account (ESA) program, diverting critical funds away from our public schools.

North Dakota already provides families with school choice through open enrollment and home-schooling options. Most rural areas of our state, such as mine, do not offer private options for education. Our state ensures that parents have the ability to choose the best educational path for their children without undermining public education. House Bill 1540 is unnecessary and would only weaken the public schools that serve the vast majority of students by diverting resources from public schools to private schools that serve a minority of North Dakota students.

Rural schools like ours operate with limited resources, yet we remain committed to serving every child in our community. Redirecting public funds to private entities with little oversight will harm our ability to provide quality education, retain teachers, and offer essential services. Rather than diverting resources, we should invest in strengthening our public schools.

I urge you to vote NO on Senate Bill 2400 to protect the integrity of North Dakota's public education system.

Thank you for your time and consideration.

Sincerely,

Michelle Fuller

Principal, [Your School]

[Your Town], North Dakota

Dear House Education Committee,

My name is Beau Snyder. I'm a principal in Lakota, ND. I'm reaching out to urge a "no" vote for SB 2400.

Voucher bills are not what is right for North Dakota. Subsidizing private schools with public dollars does not solve or address the teacher shortage crisis we are currently experiencing. The estimated 2% and 2% per pupil increase in funding already creates an extremely difficult position for schools to negotiate with teachers and support staff.

These bills harm rural North Dakota schools much more than they help. If our legislators are concerned about the quality of education, what has been done to incentivize the profession of education? Instead of promoting the field, these legislative actions are turning individuals away from it. Schools are turning to foreign countries to find educators because they are unable to fill positions. The stigma of public education in North Dakota has to change. North Dakota education, especially rural North Dakota is not the same as what is portrayed in our national media outlets. We are doing great things in our public schools, and we are trying to do more. This requires a commitment and investment in North Dakota public education from our legislators.

The current legislative movement in North Dakota towards investing in and promoting voucher bills along with charter and private school options for students will create enormous burdens and obstacles for public schools. Where is the workforce for new charter and private schools going to come from? If I am a high school student thinking about my career options and opportunities, what is the incentive to become an educator in North Dakota? Why are we so against public education in North Dakota, under promoting the profession to our North Dakota students and under investing in it? If we want great educators, we need to make this a great field to enter, which includes **financial incentives and opportunities**.

If we continue down this path, we will see a decline in the field of education. Our rural schools will get hit first because of a lack of high quality teacher candidates and inability to fill positions. This will spread to larger schools quickly. Compared to the rest of the nation, the quality of education in North Dakota remains high. To continue to build on this, we need to focus on strengthening the profession. If we do not, we could see an unintended decline in the quality of our education and nothing done to address the teacher shortage crisis we are experiencing.

I urge you to vote "no" on SB 2400 and to think about how we can strengthen the profession of education, support our public schools, and continue to lead the nation in the field of education.

Sincerely,

Beau Snyder

Lakota, ND

1 North Dakota School Study Council Testimony in Opposition to SB 2400 –
2 Education Saving Accounts

3 Chairman Heinert and Members of the House Education Committee,

4 Thank you for the opportunity to provide testimony on SB 2400. My name
5 is Paul Stremick and I represent the North Dakota School Study Council. I
6 am here today to express my strong opposition to HB 2400, which
7 proposes the establishment of Education Savings Accounts (ESA). While
8 the concept of school choice may appear beneficial on the surface, this bill
9 presents significant concerns regarding financial accountability, fairness,
10 and the fundamental principles of North Dakota's education system.

11 First and foremost, HB 2400 lacks any substantial accountability measures
12 for the \$61 million (which seems low according to my calculations) in public
13 funds that would be diverted to private education. As responsible stewards
14 of taxpayer dollars, we must ensure that public funds are used effectively,
15 transparently, and with rigorous oversight. This proposal does not align with
16 North Dakota's conservative values of fiscal responsibility and
17 accountability. Public schools operate under strict regulations to ensure that
18 funds are spent wisely and in the best interest of students. ESA funds,
19 however, would be distributed without the same level of scrutiny, leading to
20 potential misuse and inefficiencies.

21 Another significant issue is that several school districts in North Dakota
22 already receive no state funding through the current funding formula, yet
23 they must still adhere to all state education laws and mandates. SB 2400
24 exacerbates this inequity by redirecting additional state resources to private
25 education while failing to address the disparities in funding for public
26 schools. If the state mandates compliance with educational regulations, it
27 must also ensure that adequate funding is provided to all public districts,
28 rather than diverting essential resources to unregulated private entities.

29 Public schools are the foundation of our communities, serving all children
30 regardless of background, ability, or socioeconomic status. HB 1540 risks
31 undermining this critical institution by prioritizing unaccountable private
32 education funding over the needs of our public school system. North
33 Dakota students deserve a well-funded, transparent, and equitable

education system that supports all learners, not just those who can access alternative schooling options.

I urge you to reject SB 2400 and instead focus on strengthening our public education system to ensure accountability, fairness, and responsible stewardship of taxpayer dollars. Thank you for your time and consideration. I am happy to answer any questions or provide further information as needed.

A handwritten signature in cursive script, appearing to read "Paul Stremick", with a long horizontal flourish extending to the right.

Dr. Paul Stremick

Opposition to SB 2400**3/17/2025**

Dear Chairman and Members of the House Education Committee,

I am writing to express my strong opposition to SB 2400. While this bill includes a small allocation for public school students, the reality is that the vast majority of the \$60,000,000 will go to private schools in large North Dakota cities like Fargo, Bismarck, and Grand Forks, leaving rural communities to foot the bill.

North Dakota's public schools are constitutionally mandated to serve all children. Unlike private schools, they:

- Accept every student, regardless of ability, background, or financial situation
- Operate under public oversight and accountability standards
- Provide essential services such as special education, transportation, and extracurricular activities

However, with SB 2400 the only thing a participating school must NOT discriminate against is race. This bill would give private schools the freedom to cherry-pick students while leaving the public school system to educate everyone else, including those with special needs, those facing poverty, and those struggling academically. This is not real school choice. It's private school choice.

Furthermore, the majority of private schools in our state are Christian faith-based, which would make it unconstitutional to allocate public funds towards religious instruction and indoctrination.

Supporters of this bill like to argue that the parents of private school students are paying for education twice: through private school tuition and through taxes that fund public schools. This, of course, is their **choice**. North Dakota law guarantees free public education, not free or even subsidized private education. Many tax-payers do not have children enrolled at a public school, including those with children too young to attend school, those with grown children, and those who do not have children at all. Should they also have a portion of their taxes returned to them? Of course not. We all know that's not how taxes and public funding works. It's not for our personal benefit – it's for the benefit of our society as a whole. **Private school families are no more entitled to public education funds than any other person without kids in public school.**

Even with help, most North Dakota families still cannot afford the full cost of private school tuition. Between tuition, books, uniforms, transportation, and fees, private schooling is simply out of reach for most working families. The majority of these funds will go to families with students currently enrolled in private schools and already able to pay the tuition in full.

Public education serves every child, no matter their background, ability level, or family income. If North Dakota has extra funds to invest in education, those dollars should go toward strengthening public school by improving teacher pay, updating classrooms, and expanding student support services. **I urge you to reject SB 2400 and instead focus on policies that strengthen North Dakota's public schools for all students, not just a select few.**

Thank you for your time and consideration.

Sincerely,

Kara Geiger
Mandan

Dear House Education Committee,

My name is Bethany Gehrtz, a resident of Devils Lake. I am a third grade teacher at Prairie View Elementary, but this is my personal testimony and I want to be very clear that I am not speaking on Devils Lake Public School's behalf.

I am going to strongly urge you to vote NO on SB 2400 Allocating money into an Education Savings Account for private school and home school students is not the right use for taxpayer dollars. Public money should not be used for private purposes.

As a parent, I absolutely believe that parents should have the right to choose what education system works best for their children and their family. If my husband and I make the choice to send our daughters to the local private school, we fully expect that we are on the hook for the entire bill because a free and appropriate education is provided through the taxes we, and the rest of the state, pay.

As a teacher, I see how underfunded the public school systems are. The proposed increase to the K-12 funding is significantly behind where it should be. The school system, like any institution, has challenges and things that could be better. There's a saying, "show me where you spend your money and I will show you your priorities." You have the opportunity to invest in families and students in this state to make it a place where people want to stay. Show the people of North Dakota that your priorities are in giving every single child a place where they can succeed and make the appropriate investment.

I have sat and listened in on committees and the comment has been made that voucher programs will not pull money from public education. I'll give you two scenarios that it absolutely pulls from public education.

1. If a parent pulls their child out of public school, the per pupil payment doesn't end up in the school system. That's not a huge deal when you have one or two, but with enough of them, you have enough money being pulled for a teacher's salary. Or a new curriculum. Or a lot of supplies for kids who don't show up with any. It also pulls any money that could be used to cover unpaid lunch bills at the end of the year since that account cannot be left negative.

People who support vouchers have long pointed out that private school families have a right to send their kids to public school at the taxpayer's expense but they don't. Providing them with a smaller amount of taxpayer money is a net cost savings for the public because less money is being spent on private education than public education. This logic is similar to arguing that the public should help pay for driver's gas because if they didn't drive, they may use public transportation instead, which would be a cost to taxpayers. That's not how this works. Right now zero public dollars are being spent on private students. Why would you add to that? Parents made that decision knowing the financial implications.

2. I have heard that the money for this program will come from the general fund. IF it is possible to pull money to cover private school vouchers, how can't that same amount of money be spent investing more into public education. That same money could have been used to fund the lunch

bills. You also need to be prepared that if the Department of Education is closed and the \$190 million dollars that comes from the federal government is no longer available, there needs to be money on standby to take care of the needs of our students. Just because the money is gone, doesn't mean the needs are gone. Our kids can't wait 2 more years for funding and our districts certainly can't afford to pick up the tab to continue services.

I want to leave you with one last thing to think about. The private school voucher scam is often referred to as "school choice," but it's not "school choice," it is "**the school's choice**." You already know that by their very nature, private schools are selective of their clientele. They have no mandate to accept everyone and I have seen first hand kids with behavioral and severe learning needs being kicked out. Again, I am going to urge you to vote NO on SB 2400.

Thank you for your time and attention to this matter. Make the right choice for ALL of our kids and families.

Bethany Gehrtz,
Devils Lake, ND

Honorable Legislators: Please VOTE NO / DO NOT PASS SB2400. This school voucher/educational savings account/scholarship to attend nonpublic schools bill is a bad idea. It pits urban areas against rural, and it takes money away from already-strapped public schools. Public schools are designed to serve everyone—they are part of being a democracy and of all of us supposedly having an equal right to education, and to be able to get a decent one. Public schools are open to all, regardless of background, financial status, ability, or other factors. Nonpublic schools may or may not be better schools; they do not exist under the same requirements and conditions as public schools; they may in fact function as places reinforcing discrimination; or they may be sources of a high-quality education including religious education or other additions not found in public schools. They are nonpublic and nonregulated, they don't need taxpayer money to operate. Let the people who send their children to nonpublic schools pay for the nonpublic schools. And pay their taxes, including support for public education. DO NOT PASS SB 2400. Sincerely, Susan Dingle, taxpayer, homeowner, public-school- educated [through college postgraduate education], voter in every election, legislature watcher



Protection & Advocacy Project

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House Education Committee

Senate Bill 2400 – March 18, 2025

Testimony of Anna Rackley, P&A Legal Team Member

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

P&A opposes SB 2400 as it will divert public funding from North Dakota public schools to fund private schools and homeschooling. If this bill passes it will impact the education of all public-school students with greater impact on students with disabilities and their special and general education teachers.

Education Savings Accounts (ESA) fund private schools that are not required to follow the same rules and regulations as public schools. Private schools accepting ESA funds are not required to serve all students. They can refuse admission or limit services for students with disabilities, since they are not required to adhere to the Individuals with Disabilities Education Act (IDEA). IDEA requires public schools to provide a free appropriate public education and related services to students with disabilities. Section 504 of the Rehabilitation Act of 1973 ensures equal opportunity for individuals with disabilities to receive program benefits and services and protects students from disability-based discrimination in schools.

Rather than financially funding private schools and homeschooling with public money, the focus should be on strengthening our public schools. Arizona became the first state to implement universal school vouchers by establishing the Empowerment Scholarship Account (ESA) program in 2022. In 2024 ED Trust, a policy and advocacy organization, published Arizona ESA data with the following information:

- Vouchers created a huge additional cost for the state, most students using vouchers didn't previously have their education paid for by the state.
- Most students using the program come from private or homeschools (52.4% in 2024 and 71.2% in 2023), meaning the state wasn't previously paying for their education.

- Every public school in the state is, on average, receiving \$300,000 less in state funding because of the voucher program's growing costs.
- Despite fewer funds, Arizona's public schools continue to educate 92% of the state's students.
- Funding for the voucher program represents 53% of all new investments in K-12 education, even though only a tiny percentage of Arizona's students are using the program.

ESAs provide private schools and homeschoolers funding for services public schools are not funded to provide. These include fees, or payments for educational therapies including tutoring, and tuition or fees for nonpublic online education programs. Mental health assistance, medical appointments necessary for educational benefit and educational camps can also be paid for through ESAs. While public school lunch bills have not passed in this session, ESAs can be used to pay for meals served to students in private school buildings.

Every child deserves access to a strong public education, not a system where only a select few get the best opportunities. Public dollars should be used to strengthen North Dakota's public schools, which are for all students including those with disabilities, not for subsidizing private schools and homeschooling that serves only a few.

P&A ask that you recommend a Do Not Pass on this bill. Public education funds are crucial for maintaining a robust educational environment that benefits all children in North Dakota including students with disabilities.

Thank you for your time and consideration.

Anna Rackley
Legal Team Member
arackley@nd.gov

No to SB 2400

I am writing in opposition of SB 2400. I am an educator in the public school system and this bill, no matter what it is called, will hurt our students and families in public education. Here are a few reasons why:

- Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status.
- Vouchers take critical funding away from our public school system.
- Vouchers only benefit those in metro areas across our state as most rural communities do not have non-public schools.

- Public school systems are already struggling, we should be investing any additional available money into our public schools.

Oppose this bill in order to secure the funds that public schools receive from the state to help ALL students, not the few. This is not parent choice, parents already have the choice. I implore you to do what is right for EVERYONE!

Thank You

In opposition to SB 2400

I am a long time resident of Fargo and I urge you to oppose SB2400. This is expensive, does little for the rural and remote areas where schools really need the help. Why not make sure they are fully funded first? I also feel this will be hard to administer. Please vote no.

Sincerely, Jeffrey Quam

In support of Senate Bill 2400, I believe that the smaller class sizes within the private school setting gives more opportunity to individual attention and potentially better academic achievement. Teachers can really get to know each student's strengths and challenges and then offer specific help and advice. Private schools often offer a wider range of extracurricular activities and programs. Additionally, private schools offer a more focused curriculum based on specific educational philosophies or values.

Finally, I would like to emphasize the importance of parents and choice in the school selection process.

Thank you.

Respectfully submitted,

Sherry Johnson

March 17, 2025

Dear Committee Members:

Thank you for the opportunity to offer testimony on SB 2400. My name is Shelly Moltzen from Jamestown, N.D. I have lived in this state my entire life, am the product of public education, have worked as a teacher for my entire career in public schools, and have two daughters who have been lucky to be educated in our public schools. This is an issue close to my heart, and I urge you to vote no on this bill and any other legislation that involves moving public tax dollars away from public education to pay for private school education.

As a taxpayer and parent, I want my tax dollars to serve the greater good. Funding public schools benefits our entire society and offers ALL students an opportunity to receive a high-quality education. The heart of a strong democracy is an educated citizenry. That's one of the most important functions of public education. SB 2400 would spend at least 60 million dollars on non-public schools, just in this biennium. Moves like this will weaken our public schools and ultimately hurt our citizens. Whether it is a bill proposing vouchers or education savings accounts, if it is taking tax dollars away from the public schools, that is not right.

As a parent and an educator, I know that our public schools offer high-quality instruction with amazing results. I can attest to the fact that my children have been educated in a system that pushes them to excel, offers them sound educational experiences, and makes them ready for the next steps of their lives in which they will become successful and contributing members of our communities. We need this for ALL North Dakota students. Diverting funds to private schools will weaken programs and opportunities that our tax dollars should be supporting, and which enrich the lives of North Dakota's children. Instead of taking money from our public schools and giving it to private organizations, we should invest more in public education.

I urge you to vote no on this bill and any legislation aimed at moving funding away from public education. Thank you for your consideration of my testimony.

Respectfully submitted,

Shelly R. Moltzen

Jamestown ND

March 17, 2025

North Dakota Legislative Council

State Capital

600 East Boulevard Avenue

Bismarck, ND 58505

Dear House Education Committee,

I am a mother of 5 school aged children, a taxpayer, citizen, and voter who resides in the Harvey Public School District #38. I am opposed to Senate Bill 2400. As a conservative, I believe in smaller government. This bill would add more legislation and government oversight to private education and home education. The North Dakota Constitution promises residents access to free public schools, which taxpayers are already funding, and it is my opinion that the government's involvement should end there. Concerning private and home education, the parent should be responsible for all aspects of that decision including the financial portion. It is wrong to force my neighbors to pay for how I choose to educate my children. Instead, the focus should not be on creating ESA's, but rather on fixing the public schools we currently have.

Respectfully,

Sarah Haenftling

Testimony Opposing North Dakota Senate Bill 2400

3/17/25

North Dakota Legislative Assembly

Dear Chairman and Members of the Senate Education Committee,

My name is Katie Burington and I am a parent with children in North Dakota's public school system. **I am writing to express my strong opposition to Senate Bill 2400**, which proposes allocating public funds to private schools. This bill threatens the integrity and effectiveness of our public education system.

Impact on Public School Funding and Resources

North Dakota invests an average of \$15,140 per public school student annually. Diverting public funds to private institutions would reduce the resources available to public schools, hindering their ability to provide quality education. Given that public schools serve approximately 93% of North Dakota's children, such a reallocation could have widespread negative effects.

With less funding, public schools may face larger class sizes, fewer teachers, and reduced support services for students, making it harder to provide individualized instruction. Schools could be forced to cut programs like arts, music, and extracurricular activities, which play a crucial role in student development. Special education services—already expensive to maintain—could suffer, leaving students with disabilities without the support they need. Additionally, North Dakota is already experiencing teacher shortages, and diverting resources away from public schools would make it even more difficult to attract and retain qualified educators. If public schools continue to lose funding, local governments may need to raise property taxes to compensate, placing an additional financial burden on families.

Public schools are the foundation of our communities, and weakening them by siphoning funds to private institutions will only increase inequality and limit opportunities for the vast majority of students.

Exacerbation of Teacher Shortages

North Dakota is already struggling with teacher shortages, with many educators overworked and underpaid. Instead of investing in better salaries, professional development, and classroom resources, SB 2400 would pull money from public schools, making it even harder to recruit and retain quality teachers. If we truly value education in our state, we should be focusing on strengthening the teaching profession—not diverting funds to private institutions that are not accountable to the public.

Neglect of Special Education Services

Public schools are legally required to provide services for students with disabilities, ensuring equitable access to education. In contrast, private schools are not held to the same standards and may not offer necessary support for special education students. This means that students with higher needs will be left with fewer resources, as the funding that supports their services is siphoned off to institutions that do not serve them. This is not only unfair, but it directly harms some of our most vulnerable children.

Widening Socioeconomic Disparities

Private schools have selective admissions and additional costs, making them less accessible to low-income families. Even with state support, tuition and other fees still create financial barriers. Using public funds to subsidize these institutions would widen the gap between affluent and disadvantaged students, contradicting the principle of equal educational opportunity. Instead of prioritizing a small percentage of families who can afford private education, we should be ensuring that every child—regardless of background or income—has access to a strong, well-funded public school.

Conclusion

Senate Bill 2400 is not about expanding opportunity—it is about taking public money and redirecting it toward private interests at the expense of the vast majority of students. Our state should be focused on strengthening public schools, addressing teacher shortages, and ensuring that every child receives a high-quality education, no matter their zip code or economic background. **I urge you to reject SB 2400** and commit to investing in the future of North Dakota's public schools.

Thank you for your time and consideration.

Sincerely,
Katie Burington

March 18, 2025



Chairman Heinert and House Education Committee Members,

On behalf of North Dakotans for Public Schools, I am submitting this testimony in opposition to SB 2400. North Dakotans for Public Schools is a growing, grassroots coalition North Dakotans who oppose, in any form, the use of public funds to subsidize private, parochial, homeschool, or any other non-public education. In addition to opposing all forms of voucher programs, this coalition of parents, grandparents, aunts, uncles, community-minded neighbors, and friends of public education recognizes and values the essential role that our public schools play in shaping and preparing our children's futures, in partnering with hard-working families, in strengthening our local economies and businesses, in the viability and sustainability of our communities, especially our most rural communities, and in our society as a whole.

Very practically speaking, you will choose where and to what levels the legislature will fund its obligations for the next biennium. While the legislature has been generous in the state's contributions to our public schools, and that generosity has both helped to fund crucial programs, services, and staff that support the educational needs of its students AND has provided significant and ongoing property tax relief, the needs of students and families being served by our public schools continue to grow, deepening the challenges that make the job of educators even harder. Your first and foremost priority in terms of dedicating funding to education should be to more adequately and equitably fund our state's public schools, and we respectfully ask that any funds that are available to fund voucher programs be dedicated to public schools.

On behalf of the members of North Dakotans for Public Schools, we stand united in opposition to SB 2400, request a Do Not Pass Recommendation from the Committee, and ask for your "No" votes as this bill moves throughout the legislative process.

Thank you for your service and for reaffirming your commitment to public schools this legislative session.

Erin Oban,
North Dakotans for Public Schools

<https://www.ndforpublicschools.com/>

<https://www.facebook.com/ND4PublicSchools>

My name is Darrel Lund and I'm a retired teacher after 42 years all in West Fargo. I taught fourth graders for 20 years and then Kindergarten through sixth graders reading, as a Title I teacher for 22 years. I am opposed to SB 2400 and urge you to vote **do not pass** on the ESA/Voucher bill before this committee.

I am asking you to oppose this bill for the following reasons.

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. North Dakotans have consistently opposed voucher programs.

- Public funds should remain in public schools, where they serve all students, regardless of ability, background, or financial status.
- Vouchers take funding away from our public school system while the state faces economic uncertainty with falling oil prices and tariffs on our farm exports in retaliation for United States imposed tariffs on other nations.
- Vouchers only benefit those in larger population areas across our state as most rural communities do not have private schools. Rural North Dakotans will foot the bill to send city kids to private schools.
- Public school systems are already struggling. Rather than lowering the increased funding from three percent to two percent per year in the next biennium, we should be increasing our investment to at least five percent per year in the next biennium without diverting tax dollars to nonpublic schools.
- Public dollars would **not** give more choices to students, it would only siphon needed dollars away from public

schools. Students currently have choices of schools without public subsidies.

- Private schools are not held to the same requirements for accepting students as public schools. All parents have a right to send their children to a private school.
- I support certain private schools that I choose to donate money to. I don't expect other taxpayers to support the same private schools as I do. They may not agree with the beliefs of those schools. Private school attendance is not necessarily a matter of affordability. Private schools urge parents to consider their schools whether they can afford the tuition or not. They offer options for financial assistance **if** the student is accepted after applying.

I believe along with a majority of North Dakotans that public dollars belong in public schools. If you don't believe me, ask your constituents at an open public meeting in your district, if they favor public dollars going to private schools?

We should not subsidize private schools any more than allowing public money to be used for membership to a private golf club. Please vote "Do not pass" to SB 2400.

Thank you.

Darrel Lund

To Whom it may concern,

I am writing to express my strong opposition to SB 2400, which is currently under consideration. As a concerned life-long resident and teacher in North Dakota and a firm believer in the strength of our public education system, I urge you to recommend a DO NOT PASS on this legislation. I am a product of K-12 public education from a Class B town in western North Dakota, a product of the University of North Dakota, and now a teacher in a city in eastern North Dakota. The legislation in question seeks to divert crucial funds from public schools by implementing a voucher system.

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

Our public schools already face financial challenges that haven't been met yet. Schools are already underfunded and do not have enough resources to go around. Public money should be going to the public buildings to fully-fund the opportunities for the students. I do not have any children and my public tax dollars should be going to fund a public-school system that serves all children in the state of North Dakota. A voucher system is not beneficial for the crisis that already exists.

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

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

Thank you,

Erika Feole

House Education Public Hearing

Senate Bill 2400

I oppose this bill unless an amendment is passed that separates traditional homeschoolers from those who take ESA funding.

Michael Rose

To Whom It May Concern,

My name is Larissa Wolff. I am a home educator to three children here in the state of North Dakota. I am opposed to bill SB 2400 because it will infringe upon our rights as home educators. Any time money is given "freely" from the government, it comes with strings attached. I do not wish to have limitations and my rights taken away to teach my children the way I believe God is leading me to teach them. I am thankful for our rights and choice to be able to home educate our children and I want it to stay that way: our choice. This includes how we educate them. Please vote no on SB 2400. Let us all continue to have the freedoms that many before us fought so hard to gain.

Thank You,

Larissa Wolff

Dear Representatives,

My name is Tamara Steckler from Bismarck, ND. I am a homeschool parent to five children. I am asking you respectfully to please vote no on SB2400.

I believe ESA are not in the best interest of private schools or homeschoolers. I have listened to the voting of a few bills this session and I have heard that some legislators are against ESA because there are not enough regulations. This is my primary concern. Part of the reason I homeschool our children is so I can tailor curriculum to each child, not have the government regulate which curriculum I can or cannot use now that I would be receiving money from the government.

We have run into regulations back in 2020 with a well known homeschool curriculum. We were using a Horizon math curriculum for a few years when we noticed a subtle, but very noticeable change; they had taken out anything relating to Christianity, even pictures. When emailing the company, I found out they changed the curriculum so that parents in just three states would be reimbursed by government agencies.

However, if you are still convinced that ESAs will benefit North Dakota children I ask that you will make an amendment separating traditional homeschoolers and homeschoolers who take the ESA funding.

Thank you,
Tamara Steckler
District 7

SB 2400
Testimony in Opposition.

Mr. Chairman and members of the House Education Committee.

I am writing to you to respectfully request a Do Not Pass recommendation from this committee on Senate Bill 2400.

As a lifelong ND resident, a Homeschool graduate, and now a Homeschool father, I stand opposed to this bill for one simple reason: the right of a parent to educate their children without government intervention or regulation.

Senate bill 2400 would include homeschooled students as being eligible to receive an education savings account deposit in the amount of \$500 per year, per student. Having grown up amidst the fight for deregulation of homeschooling in this state, this bill strikes me as a step in the wrong direction.

Any homeschooled student who used this funding to take any course at a participating school would apparently be required to take state required achievement tests in math, reading and science, even if the course being taken was not in one of those categories.

Further, a homeschool parent who applies for an education savings account for their homeschooled child would be requested to fill out an annual survey on a very vague category of "other topics, items, or issues that may indicate the effectiveness of the education savings account program".

While these requirements may seem acceptable to those who wish to receive funding from the state to make their homeschooling efforts more affordable, I believe that it is better for a homeschool parent to not be funded at all, than to be funded with strings attached. While the requirements in this bill may not seem to be excessive, it opens the door to future changes and stricter regulation in order to continue receiving funds.

I would not be opposed to this bill if homeschooled students were excluded from this section entirely, or if it was clearly laid out that any homeschooling parent who chooses not to apply for an education savings account is not in any way subject to any requirements in this chapter.

I respectfully request a Do Not Pass recommendation on this bill as recieved from the Senate, or an ammendment as outlined above.

Sincerely,

Andrew Bornemann
Kintyre, ND

Chairman Heinert and members of the Committee,

My name is Kendall Bergrud and I am a math teacher at Wachter Middle School in Bismarck. I am the 2025 North Dakota Teacher of the Year, an honor I hold with great pride as it reflects my commitment to the success of all students. I am here to share my opposition as a private citizen to SB 2400 as it is a bill that would benefit only some of North Dakota's students, and would hurt our public schools in the process.

At public schools around the state, we work hard to create an inclusive environment for all students no matter their range of abilities. Creating an environment where students feel like they are included and have the support they need is essential for them to thrive with their learning. Every year, I see students seriously struggling academically and behaviorally; and every year, because of the support they receive as a part of their personalized education plans, from their special education teachers, and their classroom teachers, many of these students grow as learners and build their confidence, socially and academically. I see countless students who start the year facing challenges that feel overwhelming, but end up excelling in their classes as a result of the support and resources that are available to them in the public schools. Don't get me wrong: these students are responsible for their own success, but their success stories are also a testament to the power of a high quality public education. Public schools work hard to provide the resources and support that students need for their learning styles. Alternatively, private schools, though oftentimes excellent schools, are not tasked with the obligation and privilege of educating every child in North Dakota. As a result, when they turn students with behavioral or social needs away - and if the past is any indication of the future, they *will* turn these students away - public schools will welcome them with open arms and help them chart a path to success.

And that's the issue with SB 2400: instead of providing schools that educate all students with the resources they need to achieve that goal, this bill would undercut those very resources. Public Schools are already facing budget constraints, and sending public dollars to private schools will only stretch our state's public school resources thinner. If we truly want to build a strong future here in North Dakota, we need to properly invest in the public education system, which educates more than 90% of our state's students. The tens of millions of dollars proposed for private school tuition would go a

long way toward properly funding our public schools. If you don't believe me, I encourage you to visit a public school in your district to see the great things happening there, and while you're there, ask if they have everything they need. I bet they don't. For the reasons stated above, I encourage you to recommend a do not pass on SB 2400 and instead, look at ways to support and strengthen our public schools, ensuring that every North Dakota student has access to the high-quality education they deserve.

Thank you for your time and consideration, and for your work for the people of North Dakota.

Kristy Rose
Bismarck, ND
kristywrose@gmail.com
701-202-2001

NO on SB 2400

ESAs and public money for private education and home education have put many of us in a quandary.

On one hand, those who participate in non-public school are still paying school taxes and the money would help to "balance the scales" and reimburse those families so they aren't paying for education twice.

On the other hand, public money comes with public strings.

We could discuss and debate the reasons for or against accepting public money for private or home education, but the fact remains that some want it and others don't. So what are we to do?

I am vehemently opposed to public funding of private education in the form of tax credits, ESAs, vouchers or other wealth redistribution programs. However, as a homeschool mom and leader, my primary concern is for homeschoolers and their freedom. I know from my connections with homeschoolers around the country that the advent of ESAs have impacted communities. Some states, like OK, have had new restrictions put in place. Other states like NH, AZ and FL have had attempts at further restrictions but have been able to fight them off.

NH, AZ, FL and six other states have managed to "make everyone happy" by separating homeschoolers who opt-in to ESAs from homeschoolers who don't. These distinctions are referred to as firewalls and this is how they work:

- A homeschooling family applies for/enrolls in ESA program.
- Upon acceptance to the program, they withdraw their letter of intent to homeschool or agree not to file a letter of intent.
- They are given an ESA account, usually a digital wallet, from which they can make purchases for goods and services in an online marketplace. Other eligible expenses, if not offered in the marketplace, can usually be reimbursed by submitting documentation.
- These students are educated at home under a separate designation under the law, such as "ESA Student," are under their own ESA portion of ND law and are not under the ND homeschool law.
- Homeschoolers who do not wish to participate in the ESA program do nothing different. They file their letter of intent, as usual, and continue homeschooling under the homeschooling statute.

And there you have it! Everyone is happy!

Homeschoolers who wish to receive ESA money can and are subject to the rules, policies, restrictions, requirements, commitments and contracts of the program according to the ESA law and are classified as ESA students or something similar.

Homeschoolers who don't apply for and accept ESA money are protected from any ESA program rules, policies, restrictions, requirements, commitments or contracts as they continue to operate under the homeschool law and are still classified as homeschoolers.

I have attached a spreadsheet documenting how other states are handling homeschoolers and ESA programs.

I appeal to you to amend SB 2400 to include a firewall protection for homeschoolers, creating a distinction between traditional homeschoolers and those who accept ESA money. Without that amendment, I urge you to vote NO on SB 2400.

Sincerely,
Kristy Rose

ESAs & Homeschoolers by State

STATE	PROGRAM	DESIGNATION	REQUIREMENTS	AMOUNT	NOTES
Alabama	CHOOSE	N/A	300% poverty level required. Priority given to Students with special needs Dependents of active-duty service members Students who were previously awarded in the prior academic year Families with lower incomes	\$2000 with \$4000 family max	Program just started in January 2025.AL doesn't have parent-led home education. You can only homeschool through a church school, private school or private tutor.
Alaska	Homeschool Allotment Program	Allotment Students	Allotment students are different than independent homeschoolers which has no regulations.	\$2300-2900	Allotment students must use virtual school or correspondence program and are assigned an advisor-teacher. AK does not have a "traditional" ESA program like other states only the allotments.
Arizona	Empowerment Scholarship Account	ESA students	Must notify county superintendent within 30 days of ESA program acceptance terminating homeschool affidavit.	\$7000-8000	A.R.S. 15-2404 restricts control or supervision over homeschooling
Arkansas	Education Freedom Account	EFA students	Homeschoolers are eligible for EFAs but there is no distinction in the law. EFA students who are homeschooled do have different mandates such as testing.	\$6,800.00	Testing required using an ADE approved test. Results submitted to the state.
Florida	Personalized Education Program	PEP student	Terminate home education program & enroll as PEP student with Step Up for Students. FL Statute 1002.395	\$8,000.00	PEP families have a long list of requirements.
Georgia	Georgia Promise Scholarship	N/A	Enrolled in GA public school for the previous year OR a new kindergartner OR live in area where school is in bottom 25% of state	\$6,500.00	Starts Fall 2025
Indiana	Education Scholarship Account Program	ESA students	May not homeschool. Participants must have an IEP (or be the sibling of an IEP holder) and there's income guidelines for participants. IN 21-9-3-3-3	Varies	From IN State Treasurer Page: "Please note, Indiana ESA students are NOT considered homeschool students, as participation in ESA requires government oversight, the use of government funds, and completion of state testing requirements."
Iowa	Students First Savings Account	N/A	May not homeschool. Participants may only enroll in an accredited nonpublic school. IAC 281-20.	\$7,800.00	

02/15/2025

ESAs & Homeschoolers by State

Kansas	Kansas Education Enrichment Program	N/A	Preference given to special needs or homeschoolers.	\$1,000.00	program has ended
Louisiana	GATOR Scholarship Program	GATOR	Home-based education: Students must receive education primarily or partially from home from an approved LA GATOR service provider available on the Odyssey marketplace. LA GATOR funds can't be used for tuition and fees. Income based.	up to \$15,000	Traditional homeschoolers are not eligible for participation according to LA DOE.
Mississippi	Education Scholarship Account	N/A	May not participate in homeschooling according to MC1972 37-13-19.		ESAs not available to homeschoolers unless qualifying under "special needs". 2024 bill to allow homeschooler participation failed.
Missouri	Empowerment Scholarship Account	FPE School/FPE Student	Any student enrolled in ESAs. A homeschool cannot enroll an FPE student & homeschool is not an FPE school. RSMo 167.013.	up to \$6375	Program officially starts Fall 2025. An FPE student is one who participates in ESA program and is home educated but they are not considered homeschoolers according to MO state law. Homeschool organizations will not be open to FPE families.
Montana	Education Savings Account	qualified student	Only for students (including home educated) who have special need or disability		
New Hampshire	Education Freedom Account	EFA students	May educate at home but is not considered a homeschooler. Parent "reports" to scholarship organization who keeps all records and reports to NHDOE	\$4,600.00	To homeschool, you must withdraw from the EFA & file a statement of intent. EFA students educated at home are not homeschoolers.
North Carolina	ESA+	N/A	Only for students (including home educated) who have 1 or more eligibility determination (i.e. special need, 504, etc)	Varies	Homeschoolers are not eligible for NC Opportunity Scholarship & are only eligible for ESA+ if they have an eligibility determination.
Ohio	Educational Savings Program (EdChoice)	N/A	Program does not provide funding for homeschoolers. You can end homeschooling and enroll full-time in chartered nonpublic school and become eligible for participation.	\$6166-8408	

ESAs & Homeschoolers by State

South Carolina	Education Scholarship Trust Fund	N/A	Homeschool students not eligible	\$6,000.00	Students currently enrolled in a public charter school, home school students (as defined in Sections 59-65-40 [Option 1], 59-65-45 [Option 2], 59-65-47 [Option 3]), and students participating in the Educational Credit for Exceptional Needs Children's Fund program (as defined in Section 12-6-3790) are not eligible for this scholarship program.
Tennessee	Education Freedom Scholarship	N/A	Homeschol students not eligible	\$7,000.00	
Utah	Utah Fits All	Home-based scholarship student	Utah Code 53F-6-4	\$8,000.00	Sign affidavit with local school district. UFA Scholarship website says "Home-based scholarship student' does not mean a homeschool student who does not receive a scholarship under the program
Wisconsin	Parental Choice Program	N/A	Homeschoolers are not eligible for school choice funds of any kind.	\$10,000 - \$12,000	Home-based education such as online or virtual school that receives funding from anyone other than just the parent is classified as a public or private school and NOT homeschooling.
West Virginia	HOPE scholarship	IIP or Hopeschooler	Individualized Instruction Plan (IIP) participants are home educated students but not homeschoolers and are 2 separate entities according to WV law. Also called Hopeschooler.	\$4,921.00	18-8-1c2 and 18-8-1m
Wyoming	Education Savings Act	ESA student	For families at 150% poverty level. Parents must ensure their children receive instruction in core subjects and take annual proficiency tests. ESA students educated at home have different mandates (like testing) than traditional homeschoolers	up to \$6000	An ESA student receiving individualized instruction in a non-school setting shall not be construed to be a student of a home-based educational program as defined in W.S. 21-4-101(a)(v)

House Education Committee

Senate Bill 2400 – March 18, 2025

My name is Donene Feist and I am the Director for Family Voices of North Dakota (FVND), Inc. I want to provide to you today testimony on SB 2400.

Family Voices of ND provides educational, informational, and peer support to families of children with special health care needs, medically complex or have a disability. For many years, a vital partner for us as an organization is the Department of Health and Human Services, specifically SHS. Family Voices of North Dakota is statewide family to family health information and education center who serves families of children with special health care needs in ND. Each state in the country and our territories has one family organization that has been designated as a family to family health information and education center. We are that entity for ND.

National prevalence data estimates from the National Survey obtained through the Data Resource Center indicate there is an estimated 39,467 children and youth with special health care needs (CYSHCN) in ND. One in five families in North Dakota (ND) has a child with special health care needs. Many of those children receive services under the Individuals with Disabilities Education Act and Section 504.

WE are very concerned that s it will divert public funding from North Dakota public schools to fund private schools and homeschooling. If this bill passes it will impact the education of all public-school students with greater impact on students with disabilities and their special and general education teachers. Public dollars should be used to strengthen North Dakota's public schools, which are for all students including those with disabilities, not for subsidizing private schools and homeschooling that serves only a few.

Should funding be diverted to private schools and homeschooling it will impede the infrastructure of public schools. Cause a bigger divide with Rural and Urban schools. We do not feel that this bill is enough for the many children and youth who may need services such as: instructional aide, accommodations and individual skill training.

Rural areas will not have the luxury of having private schools nearby. Their funds would become less and less. SB 2400 would take funds away from our public schools to support private education, but the majority of families in our rural areas won't even have access to these alternatives.

Additionally, services in private schools are lacking for our children with a disability. They do not have to provide services to them. We also do not know what will happen at the federal level with the Department of Education as well as the funding. Who then would have oversight to assure that our children with disabilities will receive adequate supports needed to thrive?

Our state has a long-standing commitment to public education, and it is crucial that we maintain that commitment by ensuring that public funds are used exclusively to support our public schools.

Please vote no on SB2400.

Donene Feist
Family Voices of ND Executive Director
PO Box 163
Edgeley ND 58433
fvnd@drtel.net
701-493-2634



Chairman Heinert and members of the Education Committee,

My name is Liz Tofteland and I am from Westhope, ND. I strongly urge a **Do Not Pass on SB 2400**.

North Dakota has a strong tradition and history of supporting its public school system. Supporting our public schools in North Dakota is a wise investment in supporting our most valuable resource - our children.

I am a product of a small, rural public school education. My children were the third generation to graduate from Westhope Public School. My oldest son is now heavily invested in our community as he begins his farming career. Having access to a public school in the community he has so heavily invested in will be pivotal to his long term success as a farmer. We do not have to travel too far from our town to see the effects of losing a school on the people and services provided in the town. The services (businesses) disappear along with the people.

Taxpayer money needs to stay in our public schools. Taxpayer money should not subsidize private school tuition.

Sincerely,

Liz Tofteland
Westhope, ND



Home School Legal Defense Association

PRESIDENT	James R. Mason III, Esq. DC, OR
LEGAL DIRECTOR	Scott A. Woodruff, Esq. MO, VA
LITIGATION COUNSEL	Peter K. Kamakawiwoole, Esq. MO, VA
SENIOR COUNSEL	Darren A. Jones, Esq. CA, DC
	Thomas J. Schmidt, Esq. CA
	William A. Estrada, Esq. CA, DC
ATTORNEY	Amy R. Buchmeyer, Esq. WI
	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

March 17, 2025

The Honorable Pat D. Heinert
Chairman
House Education Committee

RE: *Testimony in Opposition to Senate Bill 2400*

Dear Chairman Heinert and members of the House Education Committee:

I write to voice our opposition to S.B. 2400, as drafted.

My opposition to this legislation is threefold: first, the bill contains vague and confusing language; second, home educated students should be removed; and third it provides for the public funding of private home education.

S.B. 2400 contains inconsistent, vague and confusing language.

First, the bill does not use consistent language. S.B. 2400 provides a number of definitions but frequently doesn't use these defined terms, substituting undefined terms instead. For example, on Page 2, line 18, the bill uses "school participating" instead of "participating school." Similarly, on page 4, line 12, the bill references "A nonpublic school" when it should state "A participating school..." which the bill defines as a non-public school.

Second, also on Page 4, line 12, the bill uses the phrase "...or other providers of qualified education expenses." However, a "provider of ... expenses" does not exist. There are providers of *services* for which an *expense* may be qualified, but the language as drafted is confusing at best.

Third, the current language ignores the reality that many students are enrolled in public and non-public schools in a non-fulltime basis. Page 4, lines 20 and 22, simply state, "attends a public school" and "is enrolled in and attends a nonpublic school..." respectively. Of course, the amount of tax-payer assistance for the respective categories varies, so how the bill address full-time or part-time students matters. For example, is



a child who is enrolled for a single course at the local public school eligible for \$500? What about an eligible student who is enrolled for 2 classes at a participating school that has an annual income less than or equal to three hundred percent as set forth on page 4, lines 24-27? Is this child eligible for the full \$3,500, or is their eligibility prorated because they do not attend the participating school full-time?

Fourth, page 3, line 22, references “accountability standards established under this chapter.” However, this new chapter only sets forth these standards for participating schools (starting on page 5, line 9). Since there are no accountability standards for “education service providers,” is the inference that none exist. Also, is there a reason page 3, line 21 references “education providers” rather than the defined term of “education service providers?” Are these the same, and if they are, why does the bill not use the same term? Finally, the bill essentially gives the superintendent of public instruction the authority to define what it means to “routinely fail to comply” which is problematic.

Fifth, S.B. 2400 gives the superintendent of public instruction the authority to bar a participating school or education service provider from participating in the program if they determine they have “failed to provide the eligible student with the educational services funded by the education savings account.” The problem here is that “educational services” is completely undefined and, as such, there is no way to know based on the language of the bill what “failure to provide” means.

Home education students should be removed from eligibility in the program and a separate compulsory exemption created

I urge this committee to remove students participating in a home education program be removed from the education savings account program. In order to accomplish this, four specific changes need to be made

First, amend 15.1-20-01 to add a new subsection (f) to include a new exemption for students participating in the education savings account program.

Second, make clear that an “education service provider” does not include a parent supervising home education in accordance with chapter 15.1-23

Third, delete “participates in a home education program in accordance with chapter 15.1-23” on page 5, line 3, and replace with language akin to “has been approved for an education savings account payment but does not attend a public school or participating school full-time...”

Fourth, make clear in the bill that a parent may not be approved for an education savings account and have on file a statement of intent to home educate for the same student for the same year. Also, make clear that approval of such an education savings account created under this chapter constitutes revocation of the statement of intent for that child for that school year.

We oppose the public, tax-payer subsidized funding of private home education.

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.

First, a child participating in a home education program under state law is explicitly included. It appears that a homeschool family would be defined as an "education service provider" under Section 1. I appreciated the language on page 6 of the proposed bill that states an education service provider "is autonomous and not an agent of the state of government." However, it is clear that anyone who received tax-payer funds is funded by the state and, as such, is government by the requirements of state law regarding expenditure of funds. One need not look any further than the "accountability standards" already provided in the proposed legislation and in the authority vested in the superintendent of public instruction.

I commend the desire to make education in North Dakota the best it can possibly be. We whole-heartedly support that child in America receive a great education. But, we believe that public funds should not be explicitly provided to families who home educate under current state law.

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. I have outlined above steps this committee can take to do this. 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 other 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.

A headline in West Virginia just today (Monday, March 17) states that the pricetag for the Hope Scholarship Program (the WV ESA equivalent) could be as high as \$315 million for this upcoming school year. In Arizona, which passed the first universal ESA program in the nation, there have been over a dozen bills filed just this legislative session that would change the ESA program in some manner.

Additionally, 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?

Moreover, this legislation does not provide any additional educational options for any North Dakota children. S.B. 2400 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.

In closing, 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 is the parent who has this duty, not the state.

For over four decades, HSLDA has stood for homeschool freedom. We continue to stand for this freedom today: a freedom that is jeopardized by infusing public, tax-payer funds into this manner of education.

I urge a "do not pass" recommendation on S.B. 2400

Sincerely yours,

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

Kevin M. Boden, Esq.
Staff Attorney

Do NOT Pass - SB 2400 school ESAs/vouchers

Dear Chairman Heinert and members of the House Education Committee,

I strongly urge a Do NOT Pass on SB 2400 - vouchers for private schools (ESAs).

The estimated appropriation for SB 2400 would be at least \$58,119,500 for 1 year - based on only 50% of eligible private school students applying who are at the 300% or 500% of the most recent poverty income guidelines to receive an ESA payment of \$2,000 or \$3,500. I believe the participation rate estimate is low and that the expenses would be significantly higher than projected.

The appropriations note states this is for the biennium, but it is actually only for Year 2 of the biennium. In the future the dollar amount needed to fund SB 2400 will be over \$116,000,000 per biennium, if passed, and likely higher with participation >50%.

Administrative costs of the program by DPI are estimated at \$3,000,000 but not defined clearly as to tracking applications, distribution of funds, verifying receipts of acceptable expenses, administering and summarizing student surveys, audits of funds and providing web and phone based support to parents and schools with questions.

SB 2400, if passed, would undermine public schools leading to reduced funding of our public schools in ND at a time when our schools are in need of additional funding to address shortages of teachers and staff, including bus drivers and paraprofessionals. This bill would negatively impact rural areas of ND who do not have access to a private school, within a reasonable driving distance, diverting public school tax dollars with no benefit to many rural areas of ND.

- Private schools are not required to follow the Americans with Disabilities Act and the Individuals with Disabilities Education Act.
- Private schools can set their own "standards" for admission, turning away children with special needs.
- Private schools are not required to provide children with special needs any accommodations or special services.
- Test scores cannot be compared due to differences in assessment standards and outcome measures between public and private schools.

ND has excellent public schools and teachers and support staff. We need to support our public schools and not undercut their funding, ultimately to undermine them, but instead support public schools, the teachers and most importantly the students who attend our public schools. Instead of funding ESAs, the legislature should increase the per-pupil payments to public schools, currently slated to be 2% per year for the upcoming biennium, and should be increased.

If parents want to send their children to private schools, that is their school choice to fund themselves. I should not have to pay for their school choice.

I urge a Do NOT Pass on SB 2400.

Thank you.
 Connie Hoffman
 3336 Jackson St S
 Fargo, ND 58104

As a concerned citizen, parent, and advocate for equitable education, I am opposed to ND Bill SB 2400. I believe that public schools play a crucial role in our society and should remain accessible to all not just the rich.

If this bill passes it will be a detriment to our state as well as contributing to the downfall of the United States of America.

****1. Equity and Access:** *** Public schools serve as a vital foundation for a fair and equitable education system.*

They are designed to provide every child, regardless of their background, with access to quality education. Privatizing schools threatens this principle by creating a system where only those who can afford it can access

the best resources, teachers, and facilities. This will deepen the divide between affluent and low-income communities, perpetuating cycles of poverty and limiting opportunities for many students.

****2. Accountability and Oversight:** *** Public schools are subject to rigorous standards, oversight, and accountability measures. They are governed by elected officials and are required to adhere to state and federal*

education laws. Privatization could lead to a lack of transparency and accountability, as private institutions are

often driven by profit rather than the educational needs of students. This could result in a decline in the quality of

education, as the focus shifts from student success to financial gain.

****3. Community and Belonging:** *** Public schools are community hubs that foster a sense of belonging and citizenship. They bring together students from diverse backgrounds, teaching them to appreciate differences and work collaboratively. Privatization risks fragmenting our communities and eroding the social fabric that public schools help to build. A strong public school system encourages civic engagement and prepares students not just for jobs, but for active participation in democracy.*

****4. Teacher Support and Retention:** *** Public schools attract dedicated educators who are committed to teaching and nurturing our children. Privatization can lead to lower salaries, reduced benefits, and less job security, making it difficult to retain qualified teachers. A stable and experienced teaching staff is essential for*

student success, and public schools are better positioned to provide the support and resources teachers need to thrive.

****5. Holistic Education:** *** Public schools often offer a well-rounded education that includes not only academics*

but also, arts, sports, and extracurricular activities. Privatization may lead to a narrow focus on standardized testing and profit-driven curricula, neglecting the holistic development of students. Our children deserve an education that nurtures creativity, critical thinking, and emotional well-being.

Public schools are essential to ensuring that every child has the opportunity to succeed, regardless of their circumstances. Please do not segregate our schools and return our country to an even more racist state. I urge you to consider the long-term implications of privatizing our education system. Stop making the good people of North Dakota fight for their basic rights under our constitution so you don't have to fight the billionaires in the White House. Make the rich pay their fair share and we can stop having these conversations. Together we can make America a place we can be proud of again.

Dear House Education Committee members,

I am writing regarding the S.B. 2400 bill and would like to strongly urge you to remove homeschooling families from this bill. As a homeschool parent and lifelong North Dakotan, I appreciate how our state currently affords homeschool families many freedoms and I would like to request and urge you to keep it that way and allow "we the people" to make decisions on how to best educate our children without government involvement or overreach. Thank you for your time and consideration. I greatly appreciate all you do for our state and the ND education community.

Sincerely,

Chris Flemmer

March 17, 2025

Dear House Education Committee members,

I am writing regarding the S.B. 2400 bill and would like to strongly urge you to remove homeschooling families from this bill. As a homeschool parent and local college teacher, I have spent many years in the education sector. Our state currently affords homeschool families many freedoms and I would like to request and urge you to keep it that way and allow "we the people" to make decisions on how to best educate our children without government involvement or overreach. If approved and instituted, this bill will invite greater government regulation in home education, since the government has the power to control how the money is spent. Such regulation will infringe on the rights of homeschooling families participating in the ESA program—as well as homeschooling families who have chosen to opt out.

Thank you for your time and consideration. I greatly appreciate all you do for our state and the ND education community.

Best regards,
Irma Flemmer

As our local representative for Westhope Public Association,

I urge you to vote **NO** on SB 2400. Our public education system is the foundation of our communities, ensuring that every child—regardless of background or financial status—has access to a quality education. With 93% of North Dakota students, and 95% of students with needs in our excellent public systems, we should not allow funds, of any sort, to be tailored to private schools and or students.

Sending taxpayer dollars to private institutions weakens this foundation by pulling much-needed resources away from public schools, where majority of your constituents are educated. This bill threatens to deepen inequities, leaving rural and underfunded schools with fewer resources while subsidizing private institutions that are not held to the same accountability standards.

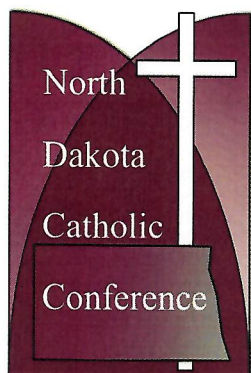
Public funds should remain in public schools, where they serve all students, not just a select few. Our focus should be on strengthening public education—improving teacher salaries, expanding resources, and supporting student success—rather than funneling public money into private institutions that operate without the same level of transparency and oversight. For our students, our communities, and the future of public education, I respectfully ask you to stand with public schools and your constituents and vote NO on SB 2400!

Sincerely,

Casey Mills

2024 County Teacher of the Year (Bottineau)

2024 MDU's STEM Educator of the Year



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

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To: House Education Committee
From: David Tamisiea, Executive Director
Subject: Senate Bill 2400 - Education Savings Accounts
Date: March 18, 2025

The North Dakota Catholic Conference supports Senate Bill 2400.

SB 2400 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 into adulthood. 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.

SB 2400 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. SB 2400 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 all 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, vocational and life skills education, standardized test fees, advanced placement examination fees, computer technology, educational camps, meals, mental health assistance, and medical appointments necessary for educational benefit.

North Dakotans Strongly Support School Choice

Recently, the North Dakota News Cooperative commissioned a statewide poll on school choice which ran from February 27, 2025, through March 2, 2025. (The ND News Cooperative Poll results are attached to this testimony.) The poll shows that likely voters strongly support school choice and the use of taxpayer dollars to support public, private, and homeschooled kids. Total support for school choice was 64% with only 31% opposed. This data underscores a significant public endorsement for ESAs, which empower parents to allocate funds toward educational environments that best suit their children's unique needs, thereby enhancing educational outcomes across the state.

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 under SB 2400 Expand Educational Choices for Everyone

Education Savings Accounts under SB 2400 could potentially benefit every student and family in the state of North Dakota. Funds 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, standardized exam fees, educational camps, and the like for any 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. Public school students who could not otherwise afford it could use their ESA funds to attend a non-public school, which may better match their beliefs, values, and needs. Public

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>.

school students could also use the other educational tools to enhance their free public school education.

Families in rural areas could also benefit immensely from greater access to educational resources with an ESA. A recent study of families using Florida's ESA program found that rural families utilized more of their ESA funds than urban and suburban families.⁴ The study also found that rural families spent smaller portions of their ESA funds on non-public school tuition and more on the other educational materials and tools tailored to their 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, Fort Yates, Fordville, Wahpeton, Williston, Devils Lake, and Jamestown. Rural families in these areas could use ESA funds to pay for non-public school tuition.

The bottom line is this: whether a student is educated in a public school, non-public school, or home setting, whether one lives in an urban, suburban, or rural area, every North Dakota family stands to benefit from an ESA program under SB 2400.

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.

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 like Catholic Charities North Dakota and Christian Adoption Services. 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.

⁴ Loftin, Michelle and Michael Lueken (2021). Distribution of Education Savings Accounts Usage Among Families: Evidence from the Florida Gardiner Program. (EdWorkingPaper: 21-426). Retrieved from Annenberg Institute at Brown University: <https://doi.org/10.26300/baz8-7757>.

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, SB 2400 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.⁵ 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 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

⁵ 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 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.⁶

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 cases, the Court held that withholding public funds from private religious schools under a state constitution’s Blaine Amendment was unconstitutional.

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.⁷ (The AG’s opinion is attached to this testimony.) The Attorney General’s 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 directing public funds to religious schools.

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

⁶ Act of Feb. 22, 1889, 25 Stat. 676, ch. 180 (1889)

⁷ North Dakota Attorney General Opinion 2022-L-07.

legislative body to knowingly violate the First Amendment of the U.S. Constitution and the religious rights of North Dakotans.⁸

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 all families in North Dakota. Education savings accounts are also strongly supported by North Dakotans.

We urge a **Do Pass** recommendation on Senate Bill 2400.

⁸ North Dakota's founders 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 North Dakota and other states to include the Blaine Amendment in their state constitutions as a condition of obtaining statehood. (Act of Feb. 22, 1889, 25 Stat. 676, ch. 180 (1889).)



Drew H. Wrigley
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
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(701) 328-2210

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).

November 29, 2022

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

LETTER OPINION 2022-L-07

Page 3

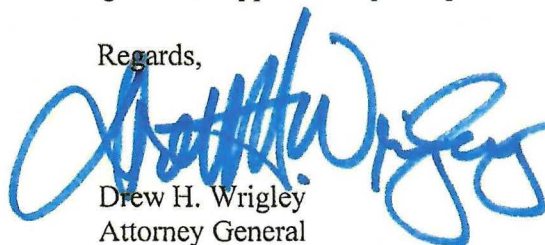
November 29, 2022

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).

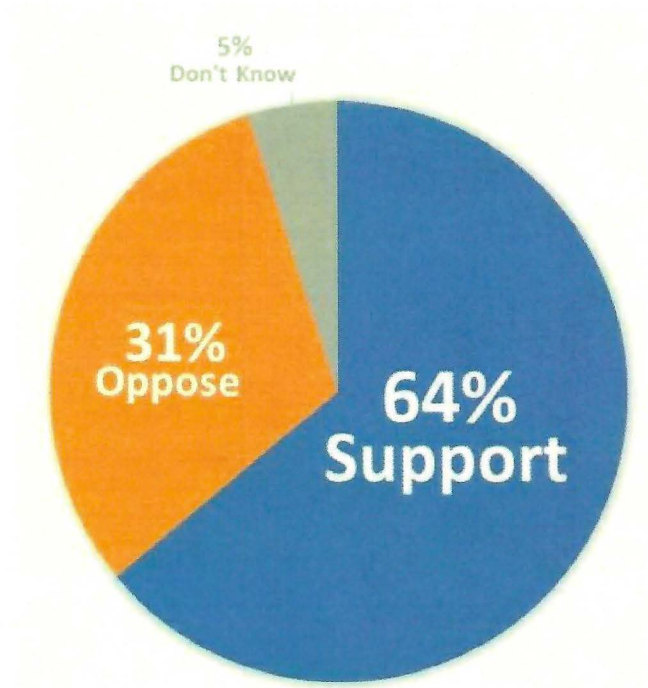
¹⁷ *Id.* at 2002.

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

***Please take a moment to
review this research study:***

School choice gives parents the right to use tax dollars designated for their child's education to send their child to the public or private school that best serves their needs.

***Would you say that you
support or oppose the concept
of school choice?***



Source: North Dakota News Cooperative, WPA Intelligence. Pollsters called 500 North Dakota voters Feb. 27 - March 2. The poll has an error margin of +/- 4.4%. [CLICK HERE for the full story.](#)

[To read the full article from the Fargo Forum, CLICK HERE.](#)

Respectfully Submitted by Megan Gilje, M.Ed. – Grade 4 Teacher, Rolette Public School District

Chairman Beard and Members of the Senate Education Committee:

I have been a public school educator for 21 years, including 5 years in Bismarck and 16 years in rural school districts. Despite the distinct differences between Class A and Class B schools, one common thread unites every North Dakota public school educator: a passion for our work and an unwavering commitment to the young people we teach.

For those of us teaching in rural school districts, we have to do all this with less. The challenges rural schools face is manyfold in comparison to larger public schools:

- Limited resources for technology, materials, and specialized services.
- Difficulty in attracting and retaining qualified teachers due to lower salaries and fewer professional development opportunities.
- Inadequate transportation funding results in longer bus rides for students.
- Due to limited funding and smaller budgets, a lack of access to extracurricular and enrichment activities, as well as college advanced placement and dual credit.
- Shrinking rural tax bases.

Rural schools depend more on state funding than larger schools. However, over the years, state funding for rural school districts has consistently fallen short. If House Bill 2400 is enacted, this issue will worsen significantly, as up to \$60 million will be redirected from our already underfunded education system.

In North Dakota, 93% of students are enrolled in public education, with many lacking the opportunity for private schooling. Why should my public tax dollars subsidize an education savings account for parents who decide to homeschool or send their children to a private school?

Even more importantly, why is the state government prioritizing private and homeschooling for a select few at the expense of public education for over 90 percent of its children?

The reason is simple. HB 2400 is a calculated effort backed by national organizations to undermine public education across the United States. Disguised as a 'personal choice,' it redirects funds from public education to private schools through an educational savings account.

If enacted, HB 2400 will have wide-ranging consequences for all public schools. The impact will be especially and unfairly felt in rural school districts with even fewer resources.

Public education is the greatest American achievement. It cultivates a skilled workforce and bolsters the middle class. In rural towns, public schools serve as the heart of the community. HB 2400 would deal a severe blow to rural schools by diverting public funds away from an already underfunded public education system.

I urge you to vote NO on HB 2400.

Sincerely,

Megan Gilje, M. Ed.
1006 1st Avenue
Rolette, ND 58366



FULL CIRCLE ACADEMY
P: 701-478-0221
F: 701-478-0222

4215 31ST AVE S, SUITE A
FARGO, ND 58104

3/18/2025

Chairman Heinert and Members of the House Education Committee,

My name is Britney Bachmeier, and I live in West Fargo where my sisters and I are the co-founders of a pediatric therapy clinic and Full Circle Academy, a private nonprofit elementary school for students with special needs, approved by the Department of Public Instruction. Thank you for the opportunity to provide testimony and highlight how a robust school choice program can offer something unique to students and taxpayers. I am a School Psychologist and Board-Certified Behavior Analyst, previously worked as a Behavior Specialist in the public school, and continue to serve some of the most intense and complex students in the state. As a supporter of the public school system, I have nothing but respect for all public-school administrators, teachers, counselors, and related service providers, especially those who work in special education. I am writing to advocate for continued partnership between the public and private sectors; Senate Bill 2400 can be a step to make this more realistic for students with special needs.

It is well known that behavioral health needs are at an all-time high and administrators and teachers often cite student behavior as consuming substantial portions of their day and the primary factor for staff burn out. Since opening our clinic in 2019, we have been overwhelmed with the number of requests for contracted behavior support services. We push into public schools and support students in their general and/or special education classrooms. However, there are times when students engage in extremely unsafe behaviors towards themselves or others, and another option is necessary. Thus, we created Full Circle Academy and now offer a therapeutic educational setting with integrated special education, behavior support, and related therapies from highly trained professionals.

We have strong partnerships with the surrounding school districts, including those in rural areas. Districts can place students in our Academy whose needs exceed what can be met in the typical self-contained classroom, often with the intention of transitioning them back to their home school after teaching new skills and decreasing maladaptive behavior. Cost is the number one barrier to students accessing our Academy. As school choice options continue to be discussed, I encourage you to consider additional caveats for students with special needs. The cost of educating one of our students is substantially higher than that of a typical student and that should be reflected in the amount allocated to this population. If we can work together, school choice does not need to be private versus public and instead about each student having what they need to be successful.

If trained professionals in a private, therapeutic setting can serve students with the most significant needs, administrators and teachers will feel relief in the public schools, other students' learning won't be disrupted, parents won't have to quit their jobs due to their child being frequently suspended or expelled, and most importantly the child will make progress toward their goals. If additional funding is available, it would be more feasible for parents to choose to enroll their child privately in a therapeutic school, just like others may choose a faith-based school.

I encourage you to vote in favor of Senate Bill 2400, take a step toward making therapeutic options more accessible to those with unique learning needs, and continue to work together to improve educational support for our most vulnerable population.

Britney Bachmeier, Psy.S., NCSP, BCBA, LBA

Full Circle Academy

Co-Founder/Director

Email: bbachmeier@fcacademy.org

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Fax: 701-478-0222

Testimony in Opposition to SB 2400

North Dakota Legislative Committee Hearing 3-18-25

Good Morning Chairman and members of the committee,

My name is Laura Taylor and I am a homeschool parent in North Dakota. I am testifying today in opposition to SB 2400, which seeks to implement Education Savings Accounts (ESAs) for private and home education. While this bill may seem beneficial on the surface, it ultimately creates more problems than solutions—especially for homeschool families.

Concerns About SB 2400 and ESAs for Homeschoolers

1. Threat to Homeschool Independence

One of the key reasons families choose homeschooling is to maintain full control over their children's education. Accepting ESA funds could subject homeschoolers to state mandates, including standardized curriculum requirements or government-approved educational materials. This could force homeschoolers to conform to a one-size-fits-all approach rather than the personalized, flexible education that makes homeschooling effective.

2 ESAs Set a Dangerous Precedent

Initially, ESA programs might come with few strings attached, but history shows that government funding often leads to more control over time. What begins as an optional program can evolve into increased regulations for all homeschoolers, even those who do not accept ESA funds. This could jeopardize the autonomy of North Dakota's homeschooling community in the long run.

3 Financial Strings and Restrictions on Educational Materials

With ESA funds, the government would likely determine what qualifies as an "educational expense." Many homeschoolers use a wide range of learning resources, from religious curricula to hands-on learning experiences. ESA programs in other states have prohibited certain purchases, including religious materials. This bill could force families to shift their educational approach just to meet state-imposed spending guidelines.

4 ESAs Undermine the True Purpose of Homeschooling

Homeschooling is not about avoiding public school; it's about providing children with a truly customized education. By introducing state funding into homeschooling, SB 2400 could erode the independence that has allowed homeschool families to thrive. Families should not have to choose between financial assistance and educational freedom.

Thank you for your time and consideration.

Mr. Speaker and members of the committee,

My name is Wendi Johnston. My husband, Dan, and I have been homeschooling our eight children from the very beginning. Three have already graduated, and another is set to graduate this May.

When we started homeschooling 20 years ago, we had little access to a supportive homeschool community. At that time, the internet was not as prevalent, making it difficult to research curriculum options. Despite these challenges, we found a way—because homeschooling is a commitment we chose to undertake as parents.

Today, homeschooling resources are more abundant than ever. Families can find high-quality curricula at a wide range of price points, including excellent options available for free. The growing homeschooling community also provides invaluable support, making it easier than ever for parents to educate their children successfully.

For these reasons, I strongly urge a **DO NOT PASS** recommendation on SB 2400. The North Dakota Constitution mandates that the state provide a public education, but homeschooling is a parental choice—not a government obligation. Parents who choose to homeschool do so because they believe it is the best path for their children, and with that choice comes the responsibility of providing curriculum and resources without reliance on state funding. Furthermore, accepting state funds could open the door to increased regulation and government oversight, which could ultimately infringe on the freedoms that make homeschooling so effective.

Thank you for your time and consideration.

SB 2400- NO

Chair Heinert and Committee Members,

I am a homeschool father of three, with two of my children already graduated. Additionally, I currently serve as the board president of the North Dakota Homeschool Association. I urge you to give this bill a do not pass.

- Homeschooling is very affordable. In other states very few families have switched from public school to homeschooling as a result of public funding.
- This bill lacks sufficient accountability measures for families receiving the funds. I believe there should be great accountability with the use of public funds.
- The bill could negatively impact homeschool families that choose not to take the funding. It has been observed in other states that the lessons and therapies covered by ESA-type funding often lead to increased prices and reduced availability. Furthermore, this bill would apply the same section of the Century Code to both privately and publicly funded homeschoolers, which I see as a direct threat to the autonomy and independence of all homeschoolers.
- In addition, there are reports from other states that they struggle to ensure that the money is spent for its intended purposes.

Thank you for considering my perspective.

Please vote NO on SB 2400.

Thor Sand

1 SB2400– ESA Bill

2 Mandan Public Schools – Mike Bitz, Superintendent

3 Good morning, Chairman Heinert and members of the House Education Committee. For the
4 record, my name is Mike Bitz. I am fortunate to serve as the superintendent for Mandan Public
5 Schools. Thank you for all you do to support education in ND. I am here today to ask you to
6 oppose SB2400. I will be brief.

7

8 **Private schools getting public dollars is not new.** I have been a school administrator since 1991,
9 and private schools have been receiving federal dollars for their school lunch program and they
10 also receive federal title dollars. **No one has an issue with this because private schools abide**
11 **by the same rules as public schools.** The federal government is often accused of being wasteful,
12 but they do require accountability for public dollars. ND should do the same.

13

14 SB2400 appropriates millions of dollars to private schools without private schools having to
15 account for a nickel of how the appropriation is spent. As a Conservative and a ND taxpayer, I
16 will tell you that this is not only bad government, it is wrong. ND has great private schools, with
17 good people working in them, but giving anyone millions of dollars without any accountability is
18 a bad idea. If you approve this bill, please put guardrails in place to ensure full accountability for
19 these dollars. The taxpayers of ND deserve this.

20

21 Finally, I find it confusing that the legislature is also considering a parent's rights bill, that in its
22 current form will not apply to private schools, even if they take public dollars. If a private school
23 accepts public dollars, shouldn't we expect them to open their board meetings and welcome parents
24 to attend, and have the ability to address the school board? Should parents really need to forfeit
25 their rights as parents if the private school chooses to admit their child? Accepting public dollars
26 means accepting public accountability! The fiscal note on this bill means these are public dollars

27

28 Thank you for the opportunity to speak to you today. I urge you to vote NO on SB2400. At a
29 minimum if you are going to approve this bill, amend it and give taxpayers the fiscal accountability
30 they deserve. I would be happy to stand for any questions.

31

Dear Chairman and committee members,

Thank you for the opportunity to provide testimony in support of Senate Bill 2400, an Act to create and enact a new chapter to Title 15.1 of the North Dakota Century Code, relating to the establishment of the Education Savings Account (ESA) program, and to provide both a continuing appropriation and an appropriation.

I support SB 2400 because it places North Dakota families at the center of their children's education. Parents are best positioned to understand their child's unique learning needs, and this bill empowers them with the flexibility to choose the environment that best supports their child's academic and personal success.

My husband and I have prayerfully chosen to send our three children to the John Paul II Schools in Fargo. In this Catholic environment — one that reflects our family's values and beliefs — our children are thriving both academically and spiritually. We are grateful for the ability to make this choice for our family. At the same time, we recognize that not all families have the financial means to make such decisions, even when they know what is best for their children.

We deeply respect and support the public school system and know it serves most learners well. However, we also know families who would choose a different educational setting if they could afford to do so. We have made financial sacrifices to provide this education for our children, and we will continue to pay our share toward initiatives such as the recently passed West Fargo Public School referendum — because we believe in supporting education for all. Now, we are asking for your support in return.

SB 2400 is not about rejecting public education; it is about complementing and strengthening the entire educational landscape in North Dakota. When parents are given options, all sectors of education — public, private, and alternative — are encouraged to improve and better meet the diverse needs of the children they serve.

North Dakota's investment in education should be as diverse and dynamic as the students who call this state home. I urge this committee and the full Senate to pass SB 2400 and give North Dakota families the flexibility, choice, and opportunity to help every child reach their full potential.

Thank you for your consideration.

Sincerely,
Shantelle Smith

To the House Education Committee Regarding SB2400

Please give a Do Not pass to SB2400.

If your intention is to give this a Do pass, I urge you to **adopt a proposed amendment** that would keep home education (as defined in statute) separate.

A problem with government subsidies for private education: Use of taxpayer money should come with accountability. Along with accountability comes “requirements” and regulation, additional to what private education already has. Regulatory creep is an undeniable probability, with the semi-private education becoming just another type of public school.

Additional problems with the education subsidy accounts include: Growth of government. Growth of bureaucracy. Increasing administrative costs. Need for audits to decrease fraud. Limited curriculum choices.

SB 2400 is masquerading as a “school choice” bill. True **School Choice** ensures a climate in which parents have choices other than the district public school for their children.

- Public (paid for by government money) Choices: district “brick and mortar” schools, online schools, alternative schools, charter schools.
- Private Choices: (not subsidized by the government): private schools, micro-schools (hybrid schools), homeschools, private online schools.

What about the parent who feels they cannot afford a private education? Is it fair for a parent to pay taxes for government education of other people’s children and then also pay money to privately educate their own child? There are good answers to these questions, which I would love to be able to sometime discuss with you.

Thank you for your service to North Dakota citizens.

Cam Leedah
Homeschooled children through high school, grandparent of homeschooled children
District 25
15470 County Road 2
Leonard, ND 58052
701-238-7580

Subject: Senate Bill 2400

Thank you, Mr./Mrs. Chair for the opportunity to speak on SB 2400. My name is Jackson Ingram, a homeschooled senior in high school who will be attending University of Mary in the fall.

Please consider amending this bill to include a distinction between those who receive ESA funding and those who reject ESA funding. This amendment is needed because putting homeschoolers under the same regulations as others in public/private schools will limit the more personal educational freedom some people chose homeschooling for. As evidenced by other states, similar bills providing educational funding that do not have this amendment in place have stricter regulations against homeschoolers.

The opportunities I have been given from being a homeschooler have helped push me to become who I am today. Some of the opportunities I have been able to participate in are volunteering at the Salvation Army, White Cross, and Ministry at the Margins.

I was able to personalize my education to my specific needs, and made an above average score on the ACT. If regulations and check-ups become more prevalent due to government funding, we will lose multiple opportunities and personalized education.

Many homeschoolers, myself included, have benefited from the increased flexibility homeschooling provides. For myself it has allowed me to continue my schooling no matter what life has in store. Last year, I was diagnosed with both Multiple Sclerosis and appendicitis, but because of the flexibility of my curriculum and schedule, I was able to recover without worrying about being behind in school. Without the current flexibility homeschooling provides, I would still be behind in my school work.

I urge you to provide the necessary amendment to this bill, separating the ones who choose to accept ESA funding, and those who opt out of it, to provide protection to the rights of homeschoolers. Thank you for your time.

Trista Ziegelmann

SB 2400

Opposed

As the mother of two, soon to be three, school-age children, living in a rural North Dakota community whose family does not have access to the luxury of school choice, I stand firmly opposed to the proposed Senate Bill 2400 on school vouchers and implore you to vote “No”. While the bill may be presented as a solution to provide more educational opportunities, it fails to consider the realities faced by many parents like me in rural North Dakota, who do not have the financial flexibility or resources to fully take advantage of these vouchers due to lack of proximity to school choice. The bill also fails to consider access to education for all students, PK-12, furthering the education divides, inequities, and gaps, causing harm to our children and rural communities.

First and foremost, the voucher system primarily benefits families who are already able to make the most of it—those who can afford to pay the difference in tuition if the voucher does not cover the full cost of private school education. For working-class families like mine, this creates a fundamental inequality. If the voucher doesn’t cover the entirety of private school tuition, it only adds to the financial burden we already carry, making it impossible for us to access these “choices.”

Moreover, while private schools may appear to offer a better education, this bill overlooks the very real fact that not all private institutions are equipped to meet the diverse needs of students, nor are private schools required to follow any standard of education or rigors of teacher training. Many of these schools lack the necessary resources, programs, and accommodations to support children with disabilities, special learning needs, or those from marginalized communities. Public schools, by contrast, are required to provide services for all students, and we should be working to strengthen these schools rather than diverting funds that could help them serve every child.

The true focus should be on improving our public schools, not funneling taxpayer dollars into private institutions. Public education is a right, and every child deserves access to high-quality education, regardless of their zip code or family income. Instead of pursuing policies that undermine the very system that serves nearly 95% of our students, we should be investing in and continuing growth in our public schools to ensure that they are adequately funded, equipped with skilled teachers, and able to offer a broad range of programs that meet the needs of all students.

We have some great public schools. Public schools are at the heart of our communities. School choice vouchers harm schools and will harm communities.

This bill fails to address the systemic issues in education and places the burden of choice on families who are already struggling. I urge the Senate to reconsider this approach and prioritize policies that work for all students, not just those who are fortunate enough to navigate the complexities of the voucher system.

Thank you for your time and consideration.

Trista Ziegelmann

Dear Legislature

I cannot think of a worse time in our history to be taking public dollars and diverting them to private schools. And at the same time propose giving a 2% increase in funding to our schools. You are not giving enough money to support the public schools needs to reduce class sizes, retain good teachers in North Dakota, and fight the teacher shortages. Our overall education level is going down in North Dakota and we are fighting that by allowing more and more unqualified personnel to work in positions because we are short teachers. Teachers are asked to deal with so much more with mental health issues, trauma issues, large class sizes, and the countless extra meetings. And then they are told, there will be no money for raises this year. Public schools do not have wealthy alumni donating money to help them meet their needs, and yet they are held to much higher standards and accountability than the private schools

The large majority of North Dakotans do not approve of diverting money from their public schools and giving it to the private schools, so I am interested in knowing why this bill is being pushed through. I have been teaching for 38 years in North Dakota, and I have never been so disappointed in the level of disrespect and lack of support as I do now. I strongly urge you to come to the aid of the North Dakota public educators that are fighting all odds daily to give our young people the best chance to succeed in their future. Please issue a DO NOT PASS on HB 2400. We need your support.

Sincerely,

Paul Kvislen

Math Department Chair

Kindred Public School

March 18, 2025

Chairman Heinert and House Education Committee Members,

My name is Erin Oban, and I am here to express my personal opposition to SB 2400 as informed now by a bunch of different experiences and perspectives, some of which I want to share with you today.

- I grew up as a Class B kid in a small, rural town, where I attended the same K-12 school in the same building (and even with one or two of the same teachers) as my parents.
- After graduating from high school, I attended one of our state's public universities for one semester and then transferred to a private university where I graduated.
- Just before graduating with a teaching degree, I completed my student teaching requirements at Marmot School, known as the Youth Correctional Center (YCC). After receiving my degree, I continued to serve as a substitute teacher at YCC before getting my first full-time teaching job as a junior high math and technology teacher at a parochial school here in Bismarck. Later, I worked as the Director of Community Engagement for one of our state's regional education associations, which helped 57 public and non-public school districts to meet the needs of their students and staff.
- In 2014, I was elected to the State Senate, representing District 35 in central Bismarck where, for 4 legislative sessions, I sat on the Education Committee and debated these very issues.
- After almost 8 years in the Senate, in 2022, I was appointed to serve as the State Director of USDA Rural Development, a federal agency that made more than 70 programs available to provide loans, loan guarantees, and grants available to our country's rural communities and residents and to the cooperatives and organizations that serve rural people and places. I learned a great deal about the unique needs and challenges that rural and Tribal areas experience in terms of accessing capital, building out infrastructure, and scaling and delivering services that provide the quality of life that we all deserve, no matter our zip code.
- And lastly, for 8.5 years, I've been a mom to a now 2nd grader who has benefited tremendously from the village of family, friends, childcare providers, and private preschool and public elementary school teachers who have helped my husband and me with our best job and most important responsibility – being parents to him.

I'm a product of public and private schools. I've taught and been a substitute teacher in private, public, and state-run schools. I've lived in, worked for, and represented some of our smallest, rural communities and one of our state's largest. In every one of those scenarios, there were great, good, average, not so great, and even a couple pretty terrible teachers, leaders, kids, and parents. In some, resources and opportunities and supports were scarce and limited. In others, they were

plentiful. Some of the outcomes were incredible. Some of them, not so much. There are countless factors that contribute to those realities, but there is also big, important difference between selecting those you want to serve and accept all those who need to be served.

I share these perspectives and experiences because they've all helped shape my opinion on bills like SB 2400, even as creative and well-intentioned and thoughtfully drafted as it is.

Just as I have through my own educational path and now in guiding our child's, I wholly support school choice to the extent we're able to provide it. I've always supported families who, for whatever their reasons, choose public, private, parochial, or homeschool education for their children. What I do not support is our government and its taxpayers picking up the tab for people who choose not to use the publicly funded option. And honestly, and especially after serving in the legislature myself, I'm very much surprised by how many legislators seem to believe that it is somehow the government's responsibility to create and fund an entitlement program to subsidize the personal responsibilities and individual choices of others, because, when you cut right down to it, that's what a voucher program is and does, and it's what passage of this bill would create.

My family doesn't believe the government owes us anything, claim that we're saving the government money, or expect the government to pay for our private vehicle if we choose not to use the public transportation system.

My family doesn't believe the government owes us anything, claim that we're saving the government money, or expect the government to pay for our backyard swingset or a pool or private golf club membership if we choose not to use public parks, pools, and golf courses.

My family doesn't believe the government owes us anything, claim that we're saving the government money, or expect the government to pay for us to hire private security or to pave a private road if we feel our local community's law enforcement or streets departments are insufficient.

Why, if my family chooses not to use the public schools provided to us and funded by all of us, whether parents of children or not, should we believe the government owes us anything, should we claim that we're saving the government money, or should we expect the government to pay for the costs associated with enrolling our kids in private school?

I believe the responsibility of my family and all other families is to make the best choices we can based on what we can afford and what opportunities are available to us. And I believe the state's responsibility is to fund a public system of education. Please vote no on SB 2400.

Thank you for your service. I am sincerely grateful.

Erin Oban
Bismarck, ND

I am here today to talk about some of the unintended or unforeseen consequences of Educational Savings Accounts like the one proposed in SB2400.

The first being an increase in tuition costs. Several states that have implemented ESA's have already seen significant changes to tuition costs. Some examples are

- According to a Princeton study, Iowa private schools have raised tuition 20-25% in response to ESA's <https://www.kcrg.com/2024/05/17/princeton-study-private-school-tuitions-rise-after-state-voucher-rollout/>
- Arizona private schools raised tuition 10-20% <https://hechubgerreport.org/Arizona-gave-families-public-money-for-private-schools-then-private-schools-raised-tuition/>
- Oklahoma schools raised tuition by 6% overall, but in some cases as much as doubled it https://www.tahlequahdailypress.com/news/okwatch-tax-credit-program-sparks-statewide-surge-in-private-school-tuition/article_c45775b8-59bb-11ef-929d-4bea8882c803.html
- Florida Catholic schools raised tuition 60% <https://www.tampabay.com/news/education/2023/06/12/pinellas-catholic-school-reverses-voucher-based-tuition-hike/>

Secondly is the increase in curriculum costs. We are already seeing providers on the online marketplace, Class Wallet, such as Math-U-See pass on the transactions fee to the customer that they don't have to pay when purchasing privately. Also, discounts such as military, large family discounts and the like are not available when using ESAs through class wallet.

The third unforeseen consequences of ESAs is the long waits for orders and reimbursements. One isn't given access to the ESA moneys to spend from. You must first spend your own money and then wait for approval and reimbursement. To that end...

- Florida and Arizona parents are complaining that some receipts are approved while others are denied without explanation, for the exact same services from the same providers
 - Homeschool families in Arizona report there are 2-4 week delays in Amazon orders because of ESA approval processing times.
 - Arizona has a 2-6 month back log of reimbursement requests from parents
- To name a few.

And then we have the cost to the state.

- Arizona's program was supposed to cost about \$58million and is now approaching \$1 billion just in reimbursements
- Utah's program was supposed to cost \$43 million but they now need almost \$200 million to fund the program
- Indiana's program started at \$15 million and is now at \$600 million

<https://www.bellpolicy.org/2024/10/22the-true-cost-of-school-voucher-programs/>

These programs are costing the states so much more than was intended. And this is just for reimbursements. This doesn't include the other costs to run the program. It takes employees to patrol these programs to make them work. And that adds even further to the high cost of ESA's.

While the heart behind this ESA bill is genuine, the cost is far too high. Thank you for your time today.

To the Representatives of the House Education Committee,

My name is Ashley Gaschk, and I'm a North Dakota resident and public middle school teacher. Last month, I observed as this committee heard testimony on higher education issues, after which you graciously took time to meet with other educators and state employees. As you consider **SB 2400, I urge a 'Do Not Pass'** due to its lack of accountability, limited access to quality services, and redundancy of resources.

Lack of accountability

During my visit last month, several representatives emphasized that ESA funding “comes from the General fund, not the Education fund.” The distinction is important, but at the end of the day, the general fund is made of public dollars, which should not be used to pay for “tuition and fees at a nonpublic school” or a “nonpublic online education program.” North Dakotans’ tax dollars should not fund schools that can hand-pick their student body, do not follow DPI standards, and that avoid transparency in their budgets and board meetings. The idea that this chamber, which voted 88-2 to create our own ND DOGE, would approve a bill without oversight of how public dollars are spent is baffling.

Limited access to quality services

Another issue is that the vast majority of North Dakota’s families don’t live close enough to a private school for it to be a realistic option. For them, ESAs could theoretically be used for tutoring, educational therapy, or mental health assistance... but North Dakota doesn’t have a surplus of underemployed tutors, therapists, or counselors. Instead, we’re likely to see out-of-state companies flood the ESA marketplace with unregulated services. I hope you will consider the 'efficiency' of spending over \$11 million per year subsidizing vendors who will flock to the marketplace once they see how much public money is up for grabs.

I respect Senator Axtman’s dedication to creating a ‘universal’ ESA program that benefits both private- and public-school students, but I cannot overstate my fear that the public-school students who could benefit the most from extra educational services will be the least likely to receive them. Working at a Title I school, I know firsthand that for some families, getting their child to school every day, with clean clothes and a full stomach, is a victory. These are not people who have the time, resources, or connections to navigate an ESA marketplace, research providers, and determine the best services for their child, especially when benefits for public-school students run out at the \$500 mark. Families with the most time and know-how will have the easiest path to these funds, while those who need them most will be left behind.

Redundancy of Resources

Public schools already provide nearly all the services ESAs claim to cover, including educational therapy, mental health assistance, tutoring, textbooks, career and technical education, vocational and life skill courses, special education services, standardized tests, and subsidized meals—often at no cost to families. Many private-school students rely on public districts when their own schools lack special ed resources, or when those students are no longer welcome because their needs exceed what their former school was willing to support.

Today, North Dakota's public schools educate more than 90% of our state's students—yet this bill directs millions of public dollars to private institutions with little oversight. If the 69th Legislative Assembly is truly willing to invest in our students' education, I urge you to do so in a way that ensures accountability, equity, and efficiency.

Opposing Testimony Against Senate Bill No. 2400: Public Funds for Private Schools

Presented by Martha Leidholm
Parent and Friend of Public Education in North Dakota

As a parent and a strong advocate for public education in North Dakota, I stand in firm opposition to Senate Bill No. 2400. This bill proposes diverting public funds to private schools through an Education Savings Account (ESA) program. While proponents argue that this increases school choice, the reality is that it undermines the foundational principles of public education, disproportionately benefits higher-income families, and fails to ensure accountability for taxpayer dollars.

Public Funds Should Prioritize Public Schools

The proposed bill allocates \$3 million from the general fund for the biennium to subsidize private school tuition and related educational expenses. However, this funding would be better spent improving the 91% of North Dakota students who attend public schools. Public schools serve every child, including those with disabilities, behavioral challenges, and economic hardships, unlike private schools, which can selectively admit and expel students.

North Dakota public schools have been struggling with underfunding, teacher shortages, and infrastructure needs. A redirection of funds to private schools only exacerbates these challenges. Instead of shifting resources away, the legislature should focus on fully funding public education to ensure every student has access to quality teachers, updated technology, and necessary support services.

Private School Funding Benefits the Privileged, Not the Neediest

One of the most misleading aspects of this bill is the claim that it will help low-income families. However, the bill provides up to \$4,000 per student for households earning 300% of the federal poverty level and \$2,500 for those earning up to 500%. That means a family of four earning \$150,000 per year would still qualify for assistance—hardly a low-income bracket.

Meanwhile, the average private school tuition in North Dakota is between \$7,000 and \$10,000 per year. Even with an ESA, low-income families would still struggle to afford tuition, transportation, and additional fees. This bill disproportionately benefits middle- and upper-income families who already have the means to send their children to private schools while failing to provide real solutions for struggling students in underfunded public schools.

Lack of Accountability for Taxpayer Dollars

Public schools are held to rigorous academic and financial accountability standards, including standardized testing, teacher certification, and financial transparency. Private schools, however, are not subject to the same oversight.

The bill allows private schools to receive public funds but does not require them to meet state curriculum standards.

Private schools are not required to accept all students, meaning students with disabilities, behavioral challenges, or lower academic performance may be turned away.

Unlike public schools, private schools are not required to publicly report how they spend taxpayer dollars.

This lack of accountability creates opportunities for waste, fraud, and misuse of funds, diverting money away from the students who need it most.

Negative Impact on Rural Communities

North Dakota is a rural state, and the majority of students do not have access to a private school within reasonable distance. Redirecting funds to private education primarily benefits families in urban areas, leaving rural students behind. Public schools are the heart of rural communities, and pulling resources away from them could lead to further school closures and declining opportunities for local students.

Conclusion: Strengthen Public Schools Instead

Instead of diverting taxpayer dollars to unaccountable private institutions, we should:

Fully fund public education to ensure every child, regardless of location or background, has access to quality education.

Invest in teacher retention and recruitment to address ongoing shortages.

Expand support services for special education, mental health, and career-readiness programs.

Improve rural school funding to ensure that students in small communities have the same opportunities as those in larger cities.

For these reasons, I strongly urge the opposition of Senate Bill No. 2400 and instead focus on policies that strengthen, rather than weaken, North Dakota's public education system.

Thank you.

Martha Leidholm, MCS

Testimony on Senate Bill 2400**Presented by Shane Goettle on Behalf of the State Association of Nonpublic Schools****March 17, 2025****SB 2400**

Chairman Heinert and Members of the House Education Committee, my name is Shane Goettle, and I represent the State Association of Nonpublic Schools. I am honored to provide this testimony in support of Senate Bill 2400. This legislation is a bold and necessary step toward expanding educational opportunities and ensuring that families in North Dakota have the ability to choose the best educational path for their children.

SB 2400 establishes a robust and sustainable Education Savings Account (ESA) program, making high-quality education more accessible, flexible, and responsive to the diverse needs of North Dakota students. This bill represents a comprehensive school choice initiative for our state.

Strengthening Educational Choice and Parental Rights

As we consider the future of education in North Dakota, SB 2400 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.

A recent statewide poll conducted by the North Dakota News Cooperative stated and asked:

School choice gives parents the right to use tax dollars designated for their child's education to send their child to the public or private school that best serves their needs. Would you say you support or oppose the concept of school choice?

The poll found that 64% of likely voters support school choice policies, with 43% expressing strong support. (Source: North Dakota News Cooperative, March 6, 2025).

This demonstrates broad public backing for ESAs, reinforcing the importance of empowering parents in their children's education and ensuring that all students have access to the learning environment that best meets their 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 2400 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, 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 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."**
- This section does not limit legislative action to public schools alone but rather affirms the Legislature's responsibility to improve education as a whole, including through nonpublic schools.
- This section grants the legislature the authority to promote education broadly, including funding initiatives beyond public schools, such as parental choice programs, nonpublic school support, and specialized learning initiatives.
- By authorizing the legislature to address educational needs beyond the strict confines of the public school system, Section 4 provides clear constitutional justification for policies like the Bill you have before you.

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

- This section states that *"No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school."*

- However, it is critical to recognize that this applies only to funds specifically raised for public schools, such as local property taxes and state-allocated funds ("school lands") earmarked for public education.
 - General state funds, such as the general fund, strategic investment and improvement funds, or legacy fund earnings, are not subject to this restriction and may be lawfully allocated to support parental choice initiatives.
- **Legal Precedents Supporting the Constitutionality of Parental Choice:**
 - The language prohibiting certain public funds from finding their way to a “sectarian school” has its origin in the series of “Blaine Amendments” which were state constitutional language required of several states who entered the Union in the late 1800s.
 - The federal Blaine Amendment, a late 19th-century provision, was introduced as an effort to prohibit public funds from being used for religious education. Though this attempt at a federal constitutional amendment failed, many states, including North Dakota, incorporated similar provisions into their constitutions. These provisions were largely driven by religious discrimination rather than neutral funding policies. Over time, legal challenges have significantly weakened the enforceability of these amendments.
 - The U.S. Supreme Court has ruled that excluding religious schools from generally available public benefits violates the Free Exercise Clause of the First Amendment.
 - **Espinoza v. Montana Department of Revenue (2020)**: The U.S. Supreme Court ruled that a state cannot exclude religious schools from generally available public benefits simply because they are religious in nature. Montana's attempt to prohibit religious schools from receiving funds under a tax credit scholarship program was deemed unconstitutional under the Free Exercise Clause of the First Amendment.
 - **Carson v. Makin (2022)**: The Court expanded on *Espinoza*, ruling that if a state provides a public benefit program that includes private education options, it cannot prohibit funds from being used for religious schools solely based on their religious identity.
 - **Pierce v. Society of Sisters (1925)**: This landmark case affirmed that parents, not the state, have the fundamental right to direct the education of their children, reinforcing the validity of school choice initiatives.
 - **North Dakota Attorney General’s Opinion 2022-L-07** made it clear that the Blaine Amendment language in the North Dakota's constitution is unenforceable under federal law. The opinion affirmed that state policies must align with U.S. Supreme Court rulings, which have struck down state attempts to exclude religious schools from generally available public benefits. While the opinion addressed teacher support grants, its broader legal implication is that state restrictions based on religious affiliation cannot be upheld where they contradict federal constitutional protections.

Accountability of Nonpublic Schools

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

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

Conclusion

SB 2400 represents a transformational change in North Dakota's education system. It is comprehensive, responsible, and necessary to ensure all students—regardless of their background—have access to the best educational opportunities possible.

This bill offers a lifeline to families who need alternative educational options, ensures fair funding for nonpublic students, and creates a stronger, more competitive education system for the future of our state.

I strongly urge the committee to give full consideration to Senate Bill 2400. This is a bill that will truly make a difference for students, families, and North Dakota's future.

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

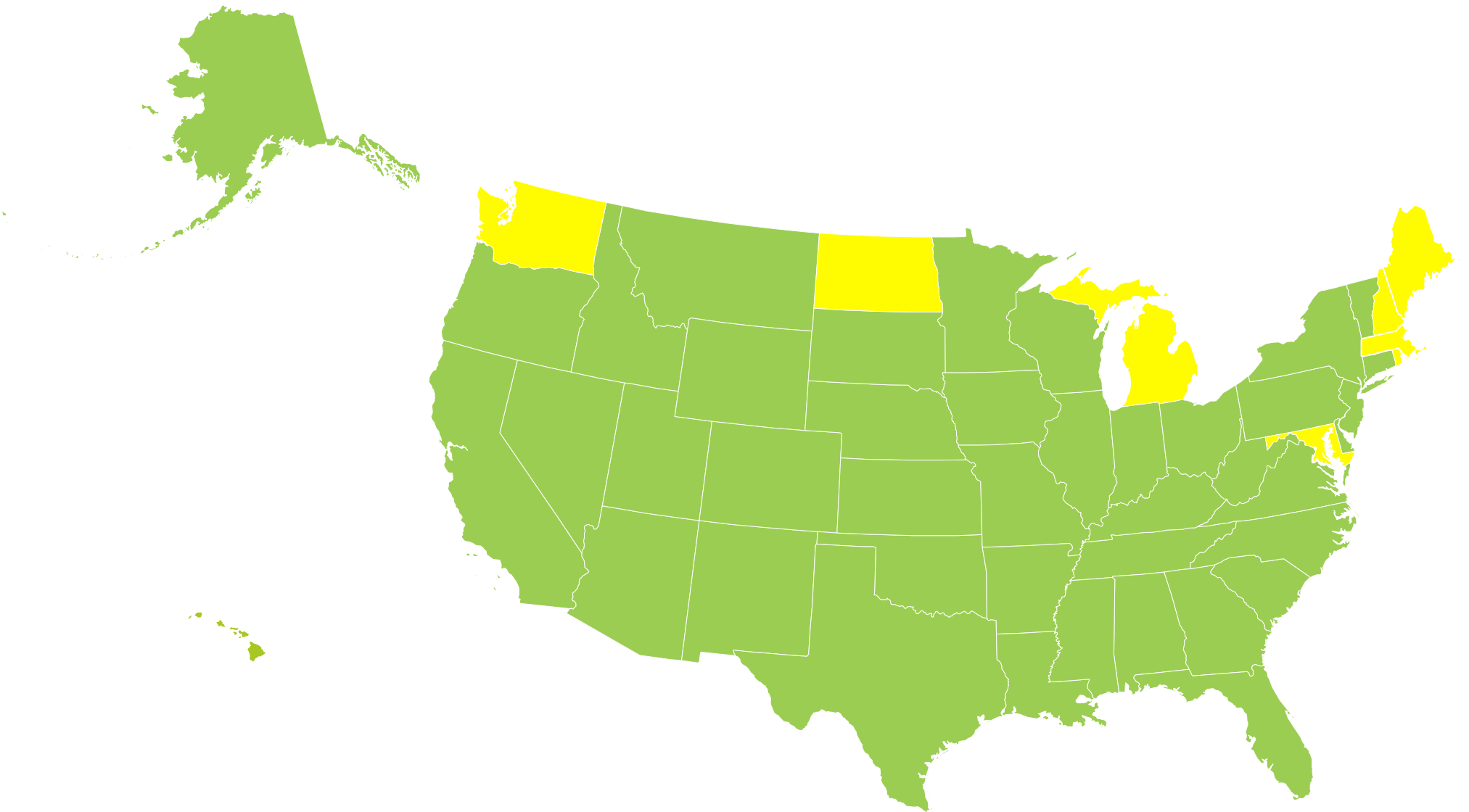
Only one of those Two States Requires Nonpublic School Teachers to be Licensed by the State

North Dakota

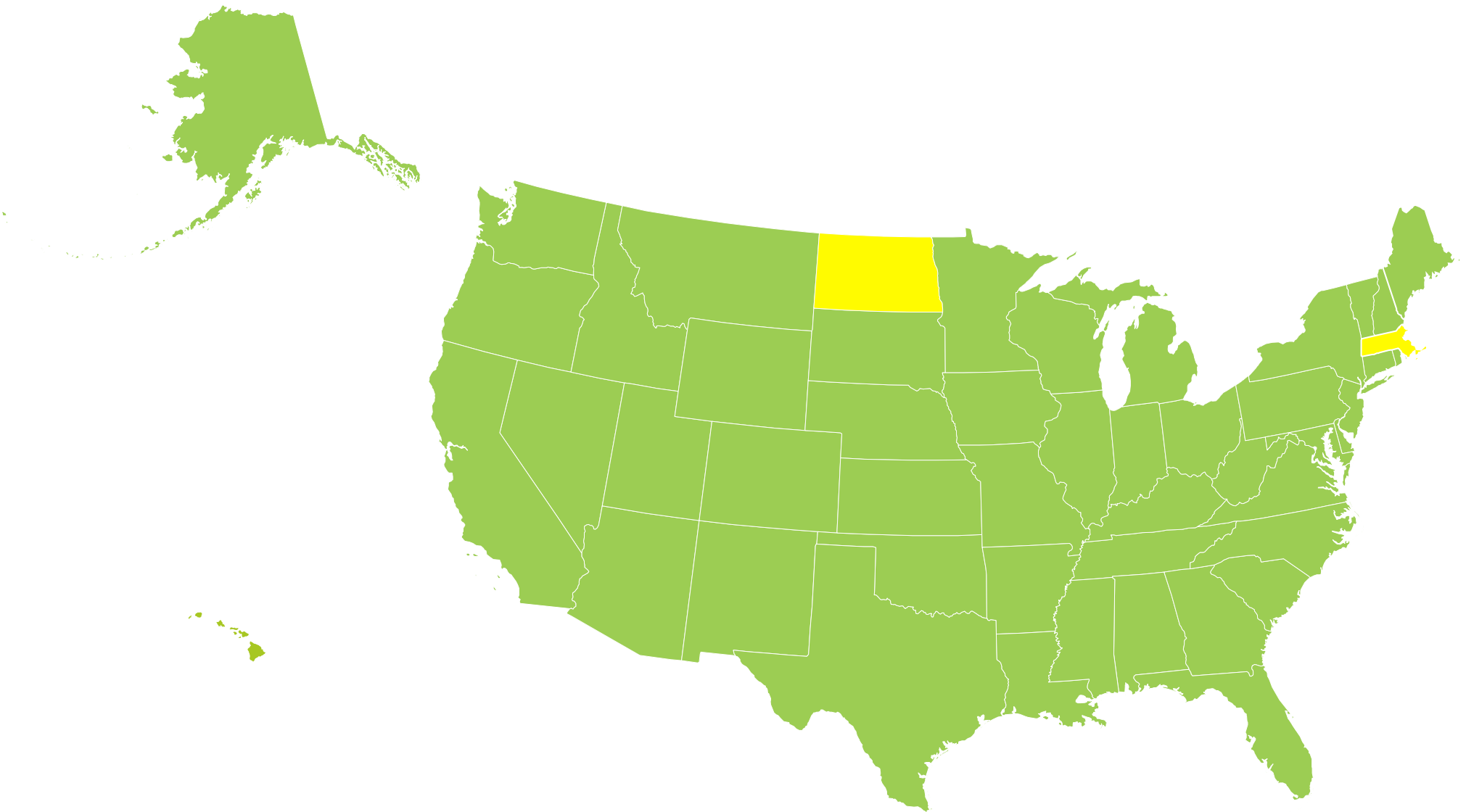
This leaves North Dakota as the only state in the nation that mandates both state approval for nonpublic schools identical to that for public schools and state licensed teachers in nonpublic schools.

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

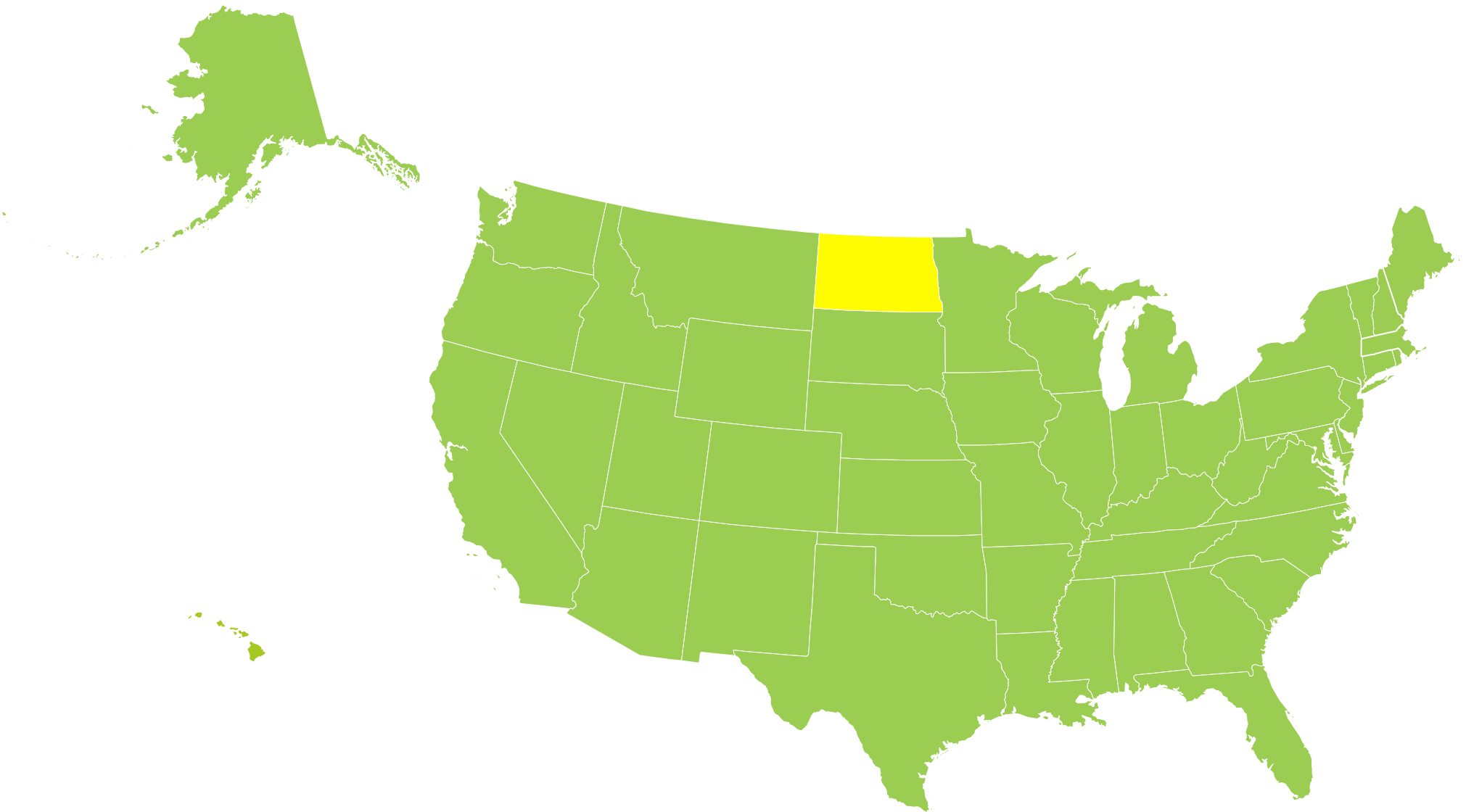
How does North Dakota rank in its treatment of nonpublic schools?



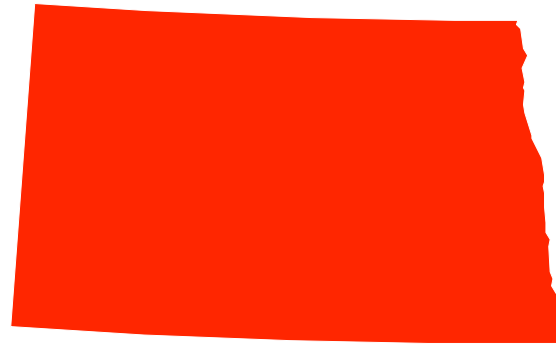
Only eight states require state approval of all nonpublic schools.



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.



*Great Public Schools**Great Public Service*

**Testimony Before the House Education Committee
SB 2400
Tuesday, March 18, 2025**

Chairman Heinert and members of the Committee, I am Nick Archuleta, and I am proud to represent public service professionals, including K-12 teachers and education support staff, as president of North Dakota United. On behalf of our statewide membership, I am appearing before you today to speak in opposition to SB 2400 and, respectfully, to urge you to render a ***do not pass*** recommendation for this proposed legislation.

Chairman Heinert, as I have said in previous testimony over the years, Opportunity Scholarships, Tax Credit Scholarships, Education Reimbursement Programs, Tuition Tax Credits, Education Choice Vouchers, Education Empowerment Programs, and as enshrined in SB 2400, Education Savings Accounts, are all euphemistic titles of plans that have the same effect of diverting dollars raised for public purposes, including public school education, to private schools, and home schools.

SB 2400 at least has something available to public school parents. We like the idea of the marketplace, at which homeschool parents, private school parents, and public-school parents can use public funds to avail their kids of ancillary educational enhancements. That is an exceptionally promising idea and if that is what this bill was about in its entirety, and the amount of money was the same for all families, I would be standing here in support. To improve this bill, I would suggest that either every family is means tested or that every family has the same amount set aside for its use at the marketplace.

Of course, ND United has long opposed using monies raised for public purposes to be diverted to private school tuition. After so many sessions of debating and arguing about this topic, our position is clear, as are the positions of many in the legislature and the non-public schools. At ND United, we believe that there is little upside for young people who live in the vast majority of counties without private school options and where their only chance to obtain remedial or educational enhancements is in their local school. Our preference is

that we fulfill our constitutional obligations to provide a system of public schools for the betterment of our students and our society. The \$58M provided for in SB 2400 will be better spent on service to the students in our outstanding public schools.

With that, Chairman Heinert, I will conclude my testimony and urge a ***do not pass*** recommendation for SB 2400.

Testimony in Opposition to SB2400 in Reference to Education Savings Account by Bob Joerger, Mayville, ND

To The House Education Committee:

I am in opposition to this bill on many facets that promote money to families for education. However, the “elephant in the room” is the consequences and outcomes that follow these dollars.

I can understand there will be necessary accountability in the distribution of these funds, because these are taxpayer -funded grant dollars. This will create more government state employees necessary to operate, oversee and justify dollars spent on this program. Creation of this program and expenses will be at the lowest at the onset of the program and thereafter- expenses will inflate to all residents of ND. I am in favor of lower government costs and expenses.

My wife and I, know and love our children the best and we take it very seriously in seeing they reach their best educational outcome that coincides with their God- given interests, gifts and talents. We need the freedom to be able to do whatever type of education that fulfills each child to the fullest without any “strings attached”.

This bill has testing requirements initially and opens the door for future requirements designated by future individuals with whatever purpose they desire. We do not see benefits from required testing written by people that decide the topic areas to test along with the “flavor of the day” social norms they want to express in the test questions. I am in opposition of additional testing.

One idea as an alternative to this ESA funding is to provide lower taxes across the state to each taxpayer and let each of us determine what to do with our own dollars. This can be done without hiring additional people and forever increasing costs with this program.

So, in conclusion, I would like this bill to be defeated as I see this as the best outcome for all residents of ND. If the majority of the committees wishes is to support the existing bill, I would like you to support an amendment that would exclude home education students from this bill. I could then, see a win-win compromise for all affected people with this outcome.

Thank you for listening to my testimony,

Respectfully submitted,

Bob Joerger

Mayville, ND

Chairman Heinert and House Education Committee Members,

I am writing in opposition of SB 2400 and urge the committee to recommend a no vote.

We are incredibly fortunate to have a robust public school system in the state of North Dakota. Even though our population is small, we manage to deliver high-quality education to students in every corner of the state. Our public schools do this incredible work with tight budgets and limited resources. Public school teachers and staff are magicians, creatively devising solutions to ensure every student has their unique needs met to the best of their abilities.

My greatest concern with this bill is the idea of **choice**. Unfortunately, diverting money from public schools to education savings accounts will not give parents any amount of choice. The **choice** will always lie with the private school admissions committee. Private schools **choose** who can and cannot attend their schools. This means that even if a parent **wants** their child to attend a private school, they don't actually get to decide.

Public schools, by law, must teach **everyone** who walks through the door, including students of every academic ability level, socio-economic status, and background. Students come to our public schools with disabilities, behavioral challenges, and traumas. And though the work of public education is exhaustingly difficult, North Dakota's public school teachers and staff embrace the challenge day in and day out. Even if you've visited in the past, I encourage you and your colleagues to visit our public schools to learn about the vast needs of the students we serve.

In reading SB 2400, I can see positives. I can personally think of many ways I could use the education savings account for my own school-aged children (school meals, educational camps, dual-credit tuition for example). I do appreciate the creativity put forth in figuring out how to make this bill work. However, I'm concerned by the added bureaucracy that will come from this bill. Passage of SB 2400 will lead to additional paperwork for parents and oversight for the ND State Government for what is ultimately pretty minimal impact in today's economy (\$3,500 annually per student). Simply reading the steps families would have to go through to create educational savings accounts makes it seem like a massive task (that we can certainly assume the schools will need to assist families in navigating). **Increasing the per student payment directly to schools** would have a much higher impact with less red tape because those resources could be leveraged across districts in the state rather than consolidated into individual households. If the desire of the legislature is *not* to increase per student payments directly to schools, I would encourage the state consider **funding individual public school priorities** like free school lunches, mental health support, or grants for dual credit courses or standardized testing fees.

Ultimately, I disagree with the bill because it will divert much needed state tax dollars (public funds) from public schools to private schools who do not serve **all** of North Dakota. Again, I encourage you to recommend a no vote on SB 2400.

Sincerely,

Brooke Thiel

Senate Bill 2400
House Education Committee -- Representative Pat D. Heinert, Chair
March 18, 2025 -- Testimony in Opposition to SB 2400

Chairman Heinert and Members of the House Education Committee, I am Vicki Voldal Rosenau, a parent and resident of Valley City, ND. Thank you for this opportunity to offer my testimony in opposition to SB 2400.

I oppose SB 2400 because it is part of a serious attack on our North Dakota public schools. Promoters of school privatization are pushing for **an extremely radical change to our state's entire K-12 educational system**. It is radical because the unpopular scheme to divert untold millions of public tax dollars into private and homeschool operations would undermine public schools—and the small and rural communities that depend on them.

SB 2400, by forcing all taxpayers to fund private schooling entities, would drain limited public resources. What's worse, it would drastically damage North Dakota's small-town way-of-life, and likely force the closure of small public schools that currently serve as the hearts of our communities, both economically and socially.

Sadly, some promoters of this and the other privatization bills are spreading lies about our public schools. Let's set the record straight with two key, documented facts:

1. **FACT:** North Dakota's public schools rank among the best in the nation, with strong academic performance and national recognition. [<https://www.nd.gov/dpi/news/national-exam-nd-students-show-strength-math> , <https://www.kxnet.com/news/state-news/north-dakota-ranks-high-for-k-12-education/> and <https://insights.nd.gov/Education/State/StateAssessment/StudentAchievement>]

2. **FACT:** We do NOT need to publicly fund private entities in order to offer all students ample learning-pathway choices, because our public schools already offer a wide range of innovative education-choice options. Moreover, our public-schools network has the capacity to efficiently expand new opportunities as needed, without diverting any funds to private or charter facilities. Copious proof of this has been presented in compelling committee testimonies this year!

Lawmakers who are still pushing SB 2400 are ignoring the clear will of North Dakotans; they know that at least 68% oppose this misuse of huge amounts of taxpayer dollars. (Voters realize that any privatization of state school funds this year would just be letting the camel's nose under the tent.)

At this point, it feels as if we North Dakotans are threatened with having a huge chunk of our tax dollars and a critical piece of our lifestyle taken from us against our will.
That would be flat-out wrong.

Chairman Heinert and Committee, please recommend "Do Not Pass" on HB 1540.

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

Dear Chairman Heinert & Esteemed Members of the House Education Committee:

Thank you for accepting my testimony in support of SB 2400 related to the establishment of an Education Savings Account (ESA) program in North Dakota. My name is Marya Skaare, I am a resident of District 39, the mother of college- and school-age children, and the president of one of the non-profit, non-public school systems in Dickinson, ND. You may recall that during the last Legislative session, a school choice bill was passed for the first time ever in both the ND House and Senate, only to be vetoed when it hit the governor's desk with then Governor Burgum stating, "it falls short of meaningfully enhancing school choice." Your work this session has been encouraging, with the introduction of six school choice bills aimed to make those meaningful enhancements to school choice in our state. With the field now narrowed to two—one passed by each the House and the Senate—the important work of each chamber now hearing, studying, and considering the merits of their counterpart's bill begins. During his State of the State address, now governor Armstrong said, *"Our budget will support Education Savings Accounts – funding set aside for each student to direct toward services or tuition across our public, nonpublic or homeschool settings. 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,"* giving nod to our readiness as a state for a meaningful school choice program. I am confident that of the two bills, the right solution...the meaningful solution...to school choice in North Dakota will emerge.

As you are aware, in January President Trump signed an executive order that aims to transform our nation's education system by promoting educational freedom through school choice. While the full impact of this order remains to be seen, since then Wyoming, Idaho and Tennessee have already enacted new school choice programs and a universal school choice bill in the Texas legislature passed the Senate and is being considered in their House. Currently, North Dakota is the only state without either public charter schools or a non-public school choice program. At the start of this legislative session, 68 choice programs operated in 33 states plus the District of Columbia and Puerto Rico. It is my hope that North Dakota will join the list of states enacting meaningful school choice programs that are well-positioned in the educational freedom landscape.

It is important to note, passage of legislation supporting choice in education is not a taking from public schools, it is a demonstration of our State's financial commitment to ALL North Dakota students—regardless of school affiliation. Currently, non-public schools save the State of North Dakota approximately \$11,000 per student not educated in the public schools—this equates to a collective impact on the State of over \$88 million dollars in annual savings. This is an amount that the state would otherwise be obligated to provide if not for the existence of nonpublic school options. It is an amount that the state would need to be prepared to spend if our nonpublic schools closed their doors. I say this not because I believe school choice is about systems, but rather to emphasize that school choice is about students and our state's commitment to students—regardless of their system of choice. Reading SB 2400, you will see this bill is not about systems, it is about students. It is about expanding education opportunity for ALL North Dakota students. With broad eligibility and a range of qualifying education expenses, SB 2400's unique approach to an ESA program empowers parents to make important decisions about the education of their children by unlocking access to education opportunities with meaningful support from the state. Like Governor Armstrong said, *"funding set aside for each student to direct toward services or tuition across our public, nonpublic or homeschool settings. The money follows the student, not the school..."*

Representatives, I urge you to vote in favor of meaningful school choice with the passage of SB 2400, demonstrating to EVERY North Dakota student that our state values EVERY North Dakota student and that education opportunity is not reserved for one type of student.

Thank you for your service to the State of North Dakota and your time spent on HB 1540 and SB 2400 this session.

Testimony of Representative Finley-DeVile

In opposition of Senate Bill 2400 – House Education Committee

Chairman Heinert and members of the House Education Committee, my name is Representative Lisa Finley-DeVile. I represent District 4A, which includes, Mandan, Hidatsa, and Arikara Nation. I'm testifying in opposition to Senate Bill 2400, which seeks to establish an Education Savings Account (ESA) program in North Dakota. While I recognize the intent to provide families with additional educational options, I believe this bill is fundamentally flawed and will have several negative consequences for students, schools, and communities across our state.

Senate Bill 2400 is redundant when compared to House Bill 1540. Both bills seek to achieve similar objectives by providing financial support for educational options outside of public schools, and passing both would create unnecessary confusion for families, educators, and administrators.

Another critical issue with Senate Bill 2400 is the failure to consult North Dakota's tribal communities before proposing such a significant shift in education policy. Native American students, schools, and families must be consulted to ensure their educational needs and cultural considerations are respected. The bill does not sufficiently address how it will impact tribal schools or the educational sovereignty of Native American nations. Tribes have a unique set of federal and state obligations regarding their education systems, and these should not be overlooked. The failure to consult with tribes may not only violate the principles of trust and respect, but it could also inadvertently harm the educational programs currently serving Native American students. It is essential that tribal input be integrated into the development of any new education policies that could affect their communities.

SB 2400 redirects public education funds to private and nonpublic institutions, which would disproportionately harm tribal schools that rely on state and federal funding to provide critical educational services. Tribal schools already face systemic challenges, such as limited resources, teacher shortages, and the need for culturally relevant curriculum. By diverting funds away from public schools, this bill would magnify these issues and undermine the ability of tribal schools to serve their students effectively.

The bill's lack of accountability measures for nonpublic schools raises concerns about educational equity. Unlike public schools, which must adhere to state standards and transparency requirements, private institutions benefiting from ESAs would not be held to the same standards. This creates an uneven playing field, where public schools, especially those serving Indigenous communities are left struggling with fewer resources while private entities operate with little oversight.

Another major concern is the potential violation of tribal sovereignty. Many tribal nations have worked diligently to establish and maintain their own educational systems that align with cultural values and community priorities. The ESA program could encourage enrollment in nonpublic institutions that do not prioritize Native history, language, or traditions, thereby eroding efforts to sustain Indigenous education and identity.

Tribal schools across North Dakota are in opposition to SB 2400. This legislation threatens to undermine the sovereignty of tribal education systems and disregards the unique needs of Native students. Our schools are committed to providing culturally relevant education and opportunities for success, and this bill poses a direct challenge to that mission.

SB 2400 does not address the broader needs of students in rural and reservation communities. Transportation barriers, limited access to nonpublic schools, and economic disparities would mean that the ESA program primarily benefits families in urban areas while leaving tribal students with fewer educational opportunities. Rather than strengthening our public education system, this bill threatens to widen existing gaps in educational access and achievement.

Instead of diverting funding away from public schools, I urge the Legislature to invest in improving our existing education system, particularly in underserved areas like tribal communities. Expanding funding for teacher recruitment, technology, infrastructure, and culturally responsive curricula would be a far more effective way to ensure all students, regardless of background, receive a quality education.

For these reasons, I strongly urge you to oppose SB 2400 and prioritize policies that support rather than undermine tribal schools and the students they serve. Thank you for your time and consideration.



Testimony in Support of Senate Bill 2400

Marit Heidbreder
North Dakota Family Alliance Legislative Action
March 18, 2025

Good morning Chairman Heinert and honorable members of the House Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of Senate Bill 2400 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 of varying amounts to all families who meet the requirements and choose to enroll in the program. The funding could be used towards an array of qualified educational expenses (including things like school meals, dual-credit courses, curriculum, or tuition) for public, private, and homeschool children. We are pleased that this covers many student scenarios and provides financial benefits to help meet numerous educational needs.

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.

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

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you vote Senate Bill 2400 out of committee with a DO PASS recommendation.

Thank you for the opportunity to provide this testimony, I appreciate your consideration and I'm happy to stand for any questions.

The saying goes, "nothing in life is free," which is while I ask you to OPPOSE SB2400. Take one look into the testimonies from people working in the school system for my reasoning: they are clamoring over the budget and "accountability" of funds. This bill would be a nightmare for homeschooling families.

I'll just use a few examples from already submitted testimonies for SB2400 - to illustrate why this would be setting up families to co-school with the government (**emphasis added**). Note: these three individuals also oppose this bill but for very different reasons than mine.

Dr. Jeff Fastnacht, Superintendent, Bismarck Public Schools: "I believe it is unwise and potentially unconstitutional to use publicly collected tax dollars to fund non-public schools directly, **without sufficient accountability measures in place.**"

Mike Bitz, Superintendent, Mandan Public Schools: "**If you approve this bill, please put guardrails in place to ensure full accountability for these dollars.** The taxpayers of ND deserve this."

Beth Slette, Superintendent, West Fargo Public Schools: "We cannot have two sets of rules when it comes to educating our children. **Public money comes with responsibility.**"

Homeschooling families have been able to successfully educate their children with relative freedom in our state, because they aren't asking for a handout. I think it's easy to see that if this is passed there will be a HUGE push for regulations (as illustrated above.) Families are homeschooling in the first place to get out of a broken education system and to provide their children with a high quality education that meets their child's individual needs.

Thank you for your time and consideration. Oppose SB2400. IF this bill passes, PLEASE support the amendment that homeschooling families are able opt out of any government assistance.

Suzanne Irwin
Homeschooling Parent
Grand Forks, ND

Good morning, Chairman Heinert and members of the House Education Committee. My name is Brenda Wiesner. I am a registered nurse, a U.S. Air Force Veteran, and a mother to a dynamic 8-year-old with special needs. I appreciate the opportunity to speak in support of SB 2400. I would also like to thank Senator Axtman for sharing a copy of this important legislation with me.

SB 2400 establishes an education savings account (ESA) for K-12 students in North Dakota. Eligible students could utilize these funds for qualified educational expenses to expand their educational opportunities no matter where they choose to learn. I rise today to share how ESAs could benefit families of children and youth with disabilities. Education is important for the future of our state. It drives economic growth, enhances community well-being, and prepares future generations for success. School choice initiatives such as SB 2400 can help bridge gaps in access to educational supports and interventions, particularly for students whose behavioral and academic requirements surpass available resources.

My daughter, Quinn, is a complex child diagnosed with autism spectrum disorder (ASD) and attention-deficit/hyperactivity disorder (ADHD). Since the age of three, she has required extensive support, including speech therapy, occupational therapy, and applied behavior analysis (ABA) therapy. She completed preschool and first grade in the West Fargo School District. Midway through second grade, we had exhausted accommodations in less restrictive environments, and Quinn was assigned to a specialized learning center (SLC). Despite the more controlled environment, Quinn was unable to make measurable academic gains, and her problem behavior continued to escalate, creating a risk to herself and others.

Our family began to explore alternative educational options. We enrolled Quinn in Full Circle Academy (FCA) in August 2023. A nonprofit 501(c)(3), FCA is a private school recognized by the North Dakota Department of Public Instruction. Founded in 2020, FCA serves K-5 special needs children who require individualized support for their behavioral and academic needs. In addition to academic ABA, Quinn receives behavior rehabilitation services, skilled occupational therapy, and speech therapy. Quinn's special education teacher (SPED-T) and her Board-Certified Behavioral Analyst (BCBA) work together to conduct functional behavior assessments to identify the underlying causes of Quinn's problem behaviors. Together, they create an individualized behavior intervention plan (BIP) that outlines strategies and techniques to address and reduce problem behaviors, promote positive behavior, and enhance learning outcomes.

The differences in behavioral and academic support in public versus private settings may appear subtle, but they have profoundly impacted our family. We have seen a significant reduction in problem behaviors, and Quinn is demonstrating measurable academic gains. We are optimistic that Quinn will be able to reintegrate into public education.

SB 2400 provides families with additional funds to help them access important services and support for their learners with special needs. It improves access to services for learners in highly rural areas, expanding educational opportunities across the state while providing accountability through a controlled online marketplace.

In full transparency, as presented, this Bill would not make a significant financial difference for our family due to the means-testing component. The ESA funding would cover less than 7% of our annual FCA tuition expenses. I urge the Committee to consider means-testing exemptions in future legislation for families of special needs children. Senate Bill No. 2400 may not be a perfect solution, but it represents a vital step forward for special needs students across our state. I urge you to consider supporting this bill.

Thank you for your time. I welcome any questions you may have.

Brenda Wiesner

Brenda Wiesner, MBA, BSN
Special Needs Parent
Full Circle Academy
West Fargo, North Dakota
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**House Education Committee
March 18th, 2025 SB 2400
Testimony in Opposition**

Dear Chair Heinert and the members of the House Education Committee,

I urge a "Do Not Pass" on SB 2400.

I would like to be honest. I do not hate what this bill does. I do not hate that this bill appears to possibly benefit so many families with youth, regardless if they're looking at public or private education. I would even offer that right now, this bill would likely greatly benefit our families and students. I am a fan of any money going to families and youth. I did not testify against it originally for these reasons.

I would also say that in isolation this bill is a net good. Our families need relief and short of the school meals, this gives it. Yet, there is a fundamental reason why despite all of that, I must oppose it. And I oppose it because it functions exactly like a hostile business takeover and is something that on reflection has the smell of being too good to be true. What's the catch one might ask and we'll be told there isn't one. Well, that's red flags everywhere.

So, here is how this will work.

It is like a business starting shop in a town. This business is a franchise supported by a mega corporation with access to very large amounts of resources. This business can afford to operate at a loss and keep prices extremely low for a couple of years. Because of this, it starts to get a bigger customer base, taking away from the local businesses and ma and pa stores in a town who can't compete.

One by one, those smaller operations close, until the only name in the town is that major company. And now that it doesn't have competition, it can raise its prices to anything it wants.

I think to understand this is to understand how these efforts are undermining and will eventually privatize public education into something that is not to the benefit of our communities or our youth. This deal looks too good to be true and it is. It very slowly takes kids out of public education, reduces the investment public education gets, and the people who are working in it.

To follow this effort over the years, it will just make more and more sense to fund private education, which will have more students anyways, and eventually abandon our state system. And then suddenly our taxpayer dollars aren't going into our communities, they're not benefiting our kids, they're not in control of our voters, they're funneled into private companies who care about profit over people.

This is why I urge you to give this a "Do Not Pass." Public education is the bedrock of our society and essential for all kids to pursue education, grow, learn, and become who they want to be in life.

Thank you for your time, consideration, and service to our state,
Faye Seidler

Dear Members of the committee:

I stand opposed to SB 2400.

There are no private schools in my entire legislative district, so my tax dollars would be going to fund schools that are not even available to my family and neighbors.

Using taxpayer dollars to pay for private schools is not the function of government.

Public monies require public accountability; including public disclosure of use of funds, open school board meetings; they must follow open meeting laws, and public schools are open to all students regardless of background, sex, ability, and socioeconomic status.

Funding must be available to invest in well-trained educators, support staff, and counselors to address the diverse needs of these children.

It is very costly for public schools to meet the diverse needs of those students who do not meet the admission standards of private schools.

Public taxpayer dollars should remain within the public education system so that ALL North Dakota students receive a high quality education, not just those who can afford to go to a private school

I urge you to give a DO NOT PASS recommendation for SB 2400.

Mary Schlosser



I am here today to advocate for the funding of our public schools in North Dakota. Our state is home to some of the best-performing schools in the nation, and yet, to be completely honest, we find ourselves under significant pressure this session.

A History of Funding Shortfalls

In 2013, the legislature passed a new school funding formula, tying property tax relief to education funding. At the time, discussions at 3 AM acknowledged that in order to sustain quality education, per-pupil funding would need to keep pace with inflation—at a minimum of 3% annually.

Yet, here is how the reality has unfolded over the past 12 years:

- The **average annual per-pupil increase** has been just **1.85%**, including one anomaly (a 4%/4% increase), with some years seeing **0% increases**.
- **Teacher pay increases** have averaged only **1.68% per year**—significantly lower than state employees and higher education staff.
- **Consumer Price Index (CPI) increases** have been **6.5% over the same period**.
- **Transportation support** for schools has **declined from 44% to 31.8%** in the past decade.
- **Food costs have risen 31.5%**.
- **Gas prices have increased 45.7%**.

Despite these rising costs, we convene task forces to investigate why we are struggling with teacher recruitment and retention. The answer is clear: Teaching is one of the most demanding yet **underpaid** professions. Meanwhile, when public schools request essential funding, the conversation turns to performance concerns—yet we continue to **excel despite these financial constraints**.

The Current Proposal Falls Short

- We are now debating a **2% / 2% increase**, which fails to meet inflationary needs.
- **Special Education (SPED) remains severely underfunded**, covering only approximately **35%** of actual costs.
- **English Learner (EL) funding legislation has died**, leaving students without adequate support.

At the same time, **hundreds of millions of dollars** are being proposed for **ESA and voucher programs**, which divert public funds away from the **93% of North Dakota students** who attend **public schools**—the only institutions that our **state constitution mandates funding for**.

North Dakota Schools Are Among the Best—Why Undermine Success?

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoferz



North Dakota ranks **#2 in the nation in math achievement** for grades 4 and 8. And are among the top 15% in reading skills.

Our schools are **leading in innovation, adaptability, and student outcomes.**

And yet, **some hesitate to acknowledge that our investments in public education are working.**

The national narrative may suggest failing schools—but here in North Dakota, that **is not our reality**. If we shift course now, the consequences may be felt for generations.

Invest in Public Schools—Invest in North Dakota's Future

- **Choice already exists in North Dakota.**
- **Funding choice is not required.**
- **What's at stake is the choice to uphold our commitment to public education.**

I urge you to **choose NO** on policies that undermine our schools. Instead, choose to **invest in our students, teachers, and future workforce.**

Thank you for your time and consideration.

Stephanie Baumgardner
3701 N Sedona Dr.
West Fargo, ND
701-306-8577
stephbaumgardner00@gmail.com

March 16, 2024

**Concerns About HB1540 & SB 2400
Using Public Education Funds for Private Schools: Impacts and Evidence**

Honorable Members of the House Education Committee,

As a parent of students in West Fargo Public Schools and a 3rd-grade teacher within the district, I, Stephanie Baumgardner, am writing to express my deep concerns regarding the proposal to use public education funds for private schools. I believe SB2400 would significantly and negatively impact our local public education system.

One of my primary concerns, both as a parent and an educator, is the disparity in accountability between public and private schools. Public schools in West Fargo, like those across the state, are held to strict standards, including standardized assessments, transparent financial reports, and state educational guidelines. This ensures that taxpayer money is used responsibly and effectively. In contrast, private schools often operate with greater autonomy, which can lead to less transparency in how public funds are spent. As the National Education Association (NEA) points out, voucher programs, which transfer public money to private schools, often lack proper accountability, potentially harming public trust and efficient resource use (National Education Association, "Vouchers," <https://www.nea.org/advocating-for-change/action-center/our-issues/vouchers>).

Furthermore, moving public funds to private schools would significantly impact the fair distribution of educational opportunities within West Fargo. Our public schools are required to educate all students, regardless of their background, abilities, or beliefs. Taking resources away from these schools worsens existing inequalities, especially for students in underserved communities who rely on public education. As First Focus on Children has documented, privatizing public school funds can threaten fairness, access, and educational quality (First Focus on Children, "Privatizing Public School Funds: Threats to Equity, Access, and Educational Quality," <https://firstfocus.org/resource/privatizing-public-school-funds-threats-to-equity-access-and-educational-quality/>).

Additionally, the issue of fairness and access is further complicated by the selective admissions policies of many private schools. As a 3rd grade teacher, I see firsthand the diverse needs of our student population. Public schools, under the Individuals with Disabilities Education Act (IDEA), must provide specialized services to students with disabilities. Private schools are not always held to these standards, which could lead to the exclusion or inadequate support of vulnerable students. As Britannica explains, discrimination is a key concern when discussing school vouchers (Britannica, "School Vouchers Debate," <https://www.britannica.com/procon/school-vouchers-debate>).

Finally, using public funds for private religious schools raises constitutional questions about the separation of church and state. This principle is vital for maintaining a public education system that respects the diverse beliefs of all West Fargo students and families.

I strongly urge you to reconsider this policy and instead focus on investing public funds in strengthening and improving our West Fargo Public Schools, which are crucial for our community.

Sincerely,
Stephanie Baumgardner
3rd Grade Teacher, West Fargo Public Schools
Parent, West Fargo Public Schools



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

1224 West Owens Avenue
Bismarck ND 58501
1-800-932-8791 • (701)255-4127
www.ndsba.org

SB 2400

Testimony of Amy De Kok House Education Committee March 18, 2025

Chairman Heinert and members of the House Education Committee, 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 here to express strong opposition to SB 2400, which proposes the establishment of an Education Savings Account (ESA) program, including a private school voucher scheme. This bill represents a significant and harmful shift in the allocation of public funds, diverting scarce resources away from our public education system, which serves 93% of North Dakota's children.

North Dakotans Oppose Diverting Public Dollars for Private Education

For years, North Dakota citizens have made it clear that public dollars should not be used to fund private school tuition. The rejection of previous voucher proposals underscores the commitment of our communities to ensuring public funds remain dedicated to public education. SB 2400 disregards this stance by creating a system in which private school students receive an inequitable financial advantage—up to \$3,500 per year for tuition—while public and home-school students receive only \$500 for educational expenses.

Impact on Rural Schools and Communities

This policy disproportionately impacts rural schools and communities, which are the backbone of North Dakota. Rural school districts are already facing financial and staffing challenges, and diverting public funds to private schools—many of which are inaccessible to rural students—will exacerbate these issues. With fewer resources, rural public schools will struggle to maintain academic programs, hire quality teachers, and support students with special needs.

Vouchers Do Not Save Taxpayer Money

Additionally, the claim that private school vouchers save taxpayer money is simply untrue. States that have implemented similar voucher programs have faced multi-million dollar deficits and tax increases. Instead of producing cost savings, these programs have drained public education budgets, forcing cuts to critical services and increasing financial burdens on taxpayers. North Dakota should learn from these costly mistakes and reject this inefficient use of public funds.

Voucher Programs Do Not Improve Student Outcomes

SB 2400 also fails to achieve its purported goal of improving student outcomes. Repeated studies of voucher programs across the country show that they do not result in better academic achievement. In fact, research indicates that students who use vouchers often experience declines in test scores, particularly in math.

- In [Washington DC](#), students who had been offered a voucher to attend a private school scored lower in both math and reading, in comparison to their peers who stayed in public school.
- A [voucher study in Louisiana](#) found on average, participating voucher students' performance in both reading and math dropped for three consecutive years. The Louisiana findings are significant and show declines that are the equivalent of the average math student at the 50th percentile—dropping to the 34th percentile after three years of participation in the Louisiana voucher program.
- [Researchers have studied vouchers in Ohio](#), as well. Comparing scores on the Ohio state assessment for voucher students against public school students found large negative effects for mathematics *and* for reading among the voucher students. Students using vouchers experience academic losses that are far larger than the academic gains experienced by students not using vouchers.
- [In Indiana](#), researchers found that students who used vouchers to switch from public to private schools were more likely to score less well in math, and were about the same in reading.

The focus of our education policies should be on strengthening public schools rather than diverting funds to unaccountable private institutions with no proven academic advantage.

SB 2400 Does Not Expand “Choice”

Furthermore, despite claims that school vouchers expand “choice,” the reality is that they offer little meaningful choice for families. Private schools can selectively admit students, setting criteria that may exclude those with disabilities, behavioral challenges, or lower academic performance. Public schools, on the other hand, are required to serve all students, regardless of background or ability. If the goal is true educational choice, the legislature should invest in strengthening public education, including expanding resources for special education, increasing access to advanced coursework, and supporting educators.

SB 2400 Disproportionately Benefits Private School Students

Finally, SB 2400 is fundamentally inequitable. By providing private school students with up to seven times the funding allocated to public and homeschool students, the bill unfairly favors a small subset of students at the expense of the vast majority. A policy that privileges private education over public education undermines the core principles of fairness and equal opportunity that define our state’s constitutionally required commitment to public schooling.

North Dakota Public Schools are NOT Failing

Despite national rhetoric about failing public schools, this is not the case for North Dakota's public schools. The 2024 National Assessment of Educational Progress (NAEP) results confirm that our students rank among the top performers in the nation—a direct result of strong public schools, dedicated educators, and legislative investment.

Mathematics Excellence:

- 8th Grade: #2 in the Nation
- 4th Grade: #3 in the Nation

Reading Success:

- 8th Grade: #12 in the Nation
- 4th Grade: #7 in the Nation

North Dakota students also compete globally. Our 8th-grade math scores rank in the top 10 worldwide, outperforming countries like Canada and Germany. Our 4th-grade math and reading scores rival the best education systems internationally. This success doesn't happen by chance—it happens because of public investment in public schools. Rather than diverting funds to private school vouchers, we must continue strengthening the system that is already delivering outstanding results for North Dakota's students.

Conclusion

I urge you to oppose SB 2400 and instead focus on policies that support and strengthen North Dakota's public education system. Our schools need more investment, not more financial diversions. Please stand with the overwhelming majority of North Dakotans who support keeping public dollars where they belong—in public schools.

Thank you for your time and consideration. I'd be happy to answer your questions.



SB 2400
House Education
Tuesday, March 18, 2025
Representative Pat Heinert, Chair

Chairman Heinert and Members of the House Education Committee:

My name is Roxane Romanick and I serve as a representative for Designer Genes of ND, Inc., Designer Genes represents individuals with Down syndrome and their families across the state. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

Down syndrome or Trisomy 21 is highly correlated with learning challenges and need to educational supports to learn and grow. The students that Designer Genes represent clearly and simply need strong public schools. They need public schools with robust general education structures and solid special education supports. They need schools with friends who have disabilities like them and friends who do not, both who can be important teaching models and who they can have fun with. It is because of this, that we are in opposition to SB 2400. It would be our hope that your consideration would be to build up the very schools that the state and local government is responsible for with any extra money that you have.

There are not a lot of students with Down syndrome in North Dakota schools, but nearly all of them are in public schools because that is where they will receive the needed supports to learn. Families, like mine, have had to trade out one set of school colors for another, when their child with Down syndrome goes to public school and their own children are in non-public schools. It's just the way it is. My son attended a non-public school and my daughter with Down syndrome basically grew up in that circle, but when it was time to go to school for her, no invitation came from my son's school. When I asked, there was an offer for her to attend with a "Behold the Ultimate Truth – BUT". The but was that they'd love to have her, but they couldn't educate her. I believed in her ability to learn, so I had no choice. The population of people that I represent will not benefit from this bill and in fact, this bill and the funding attached will distract the state from the important work of making North Dakota's public schools the best they can be.

SB 2400 has \$3,000,000 for administration but does not mention any new FTE's for the Department. If you're going to pass this bill, then I'd encourage you to consider the workload of setting up and administering

this program, because if not, then we can already predict that this bill will distract the state from doing its important work of holding up public education in North Dakota. These are considerations that we don't always think about. The same is true for SB 2241, the charter school bill. If the state is having to set up and administer both bills without any new FTE's, they have no choice but to look away from the work they do to support public schools to these new initiatives.

This bill has \$500 in it for families that I represent who have students with Down syndrome in public schools, so I expect getting asked about the benefit. Yes, having \$500 at your disposal is never a bad thing but beyond school meals and perhaps camp fees, the cost of the other qualifying expenses will far exceed \$500 and perhaps add confusion to how some of the services should be paid for in the first place. "Educational therapies, education materials and services, paraprofessionals, mental health assistance" should be services included in a child's Individual Education Plan if needed. I anticipate that I'll hear from a family who will say that they are having to use their ESA to get a related service that in reality should be covered under their child's IEP.

If this bill is going to pass, I am also concerned that this bill does not include language relating to "parental advisement" if a parent chooses to leave the public school and uses the ESA to attend a non-public school option. HB 1540 contains language that requires the Department to advise parents of children on IEP's that they are making a parental placement and therefore waiving their rights to the protections under the Individuals with Disabilities Education Act (IDEA). The language appears on Page 2, lines 26 – 30 and reads "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)]". I would like to see similar language added under the Superintendent of public instruction – Administrator – Duties section on Pages 2 and 3 of this bill.

We fully understand that we represent a very small percentage of the student population, but we do believe that we represent students who have some of the most significant needs in North Dakota and who serve as a reminder about all students with special education needs. Our students learn from educational systems that have solid general education structures and robust special education features such as is possible in our public schools. We do not believe that SB 2400 adds value to those needs and we ask you consider a Do Not Pass.

Thank you for your time and I would answer any questions.

Roxane Romanick
Designer Genes of ND, Inc.
info@designergenesnd.com

701-391-7421

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

As a teacher, this bill worries me. Public education is a great concept. We educate all students for success, no matter their background. Without public funding, this is an impossible task. I have watched our costs skyrocket and incoming funds decrease. Now is not the time to take money away from Public Schools and give them to parents who exercise their choice to homeschool or place their child in a private school. I'm glad parents have that option, but public dollars should not pay for that.

Furthermore, as a parent, I have had my children attend rural and city schools. I saw what limitations rural schools have and taking money away from them will only impact them further. We have enough consolidated schools and should not exasperated the issue. I don't care if I receive money myself or not. In the end, this is worth it. We have good Public Schools in North Dakota, let's keep it that way.

John M. Pederson
235 2nd Ave NW
Mayville, ND 58257
March 18, 2025

Dear Committee Members,

Please oppose SB 2400. It provides up to \$60 million to private schools in the next biennium and violates the spirit of the First Amendment to the Constitution which asserts the separation of church and state.

SB 2400 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.

Please vote no on SB 2400 and urge your colleagues to do the same.

Thank you for your time and consideration.

Sincerely,

John M. Pederson

To whom it may concern:

I am writing to urge you to oppose SB 2400. North Dakota must hear the concerns parents and teachers have with these voucher schemes. The state of public education need repair, but the answer is NOT to starve public schools of crucial funding. Public schools serve all students regardless of ability, background, or financial status. Public schools employ nearly 10,000 qualified teachers. Private schools are not held to the same transparency, accountability, or accessibility standards as our public schools. Please, stand with *all* North Dakotans and issue a DO NOT PASS on SB 2400.

Jenna Akers

Mom

Teacher

25.1334.04002
Title.

Prepared by the Legislative Council
staff for Representative Schreiber-Beck
March 17, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

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 the establishment of the education savings account program; to provide a
3 continuing appropriation; and to provide an appropriation.

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

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

7 Definitions.

8 As used in this chapter:

- 9 1. "Education service provider" means a person approved to provide qualified education
10 services. The term does not include a participating school.
- 11 2. "Eligible student" means an elementary or secondary student who is a resident of this
12 state and eligible to attend a public school, including a student who has received a
13 scholarship under the education savings account program, if the student has not
14 graduated from high school or reached twenty-one years of age.
- 15 3. "Parent" means parent or legal guardian.
- 16 4. "Participating school" means a nonpublic school providing education to elementary
17 students, secondary students, or both, which has notified the administrator of the
18 school's intention to participate in the education savings account program and comply
19 with the education savings account program requirements.
- 20 5. "Qualified educational expenses" means:

- a. Tuition and fees at a nonpublic school;
- b. Textbooks, fees, or payments for educational therapies, including tutoring or cognitive skills training;
- c. Curriculum fees, software, and materials for a course of study for a specific subject matter or grade level;
- d. Tuition or fees for nonpublic online education programs;
- e. Tuition for vocational and life skills education approved by the superintendent of education;
- f. Education materials and services for students with disabilities from an accredited provider, including the cost of paraprofessionals and assistants who are trained in accordance with state law;
- g. Standardized test fees and advanced placement examinations or examinations related to postsecondary education admission or credentialing;
- h. Tuition or fees for dual-credit courses;
- i. Meals served to students in school buildings;
- j. Mental health assistance;
- k. Medical appointments necessary for educational benefit;
- l. Educational camps; and
- m. Qualified expenses as adopted by the superintendent of public instruction in administrative rules.

Education savings account fund - Establishment - Continuing appropriation.

There is created in the state treasury an education savings account fund. The fund consists of moneys appropriated to the superintendent of public instruction for the education savings account program. Moneys in the fund are appropriated on a continuing basis for education savings accounts.

Superintendent of public instruction - Administrator - Duties.

1. The superintendent of public instruction is the education savings account program administrator, and shall:
 - a. Annually inform eligible students and parents of the schools participating in the education savings account program;

- b. Create a standard application form a parent of an eligible student may submit to establish the student's eligibility for the education savings account program. The superintendent shall ensure the application is readily available to interested families through various sources, including the department's website;
- c. Execute a multimedia marketing program targeting eligible families, particularly families below the state's median household income, informing the families about the education savings account program and how to apply;
- d. Establish a web and phone-based support system providing parents with education savings account program application support and ongoing account maintenance support;
- e. Reduce potential waste, fraud, and abuse, and ensure that any technology platform used for the program meets the state's highest security requirements, including compliance; and
- f. Adopt rules to implement this chapter.

2. The superintendent of public instruction may:

- a. Make and enter a contract with a third-party entity to administer and audit the program, including allocating funds from each eligible student's account for the payment of qualified educational expenses by the eligible student's parent;
- b. Conduct audits or other reviews necessary to properly administer the program; and
- c. Bar a participating school or education service provider from the education savings account program, if the superintendent determines the participating school or education provider has:
 - (1) Routinely failed to comply with the accountability standards established under this chapter; or
 - (2) Failed to provide the eligible student with the educational services funded by the education savings account.

Enrollment - Account deposits.

1. From January first to June thirtieth immediately preceding the school year for which the education savings account payment is requested, the parent of an eligible student

1 may request an education savings account payment by submitting an application to
2 the superintendent of public instruction.

3 2. Within thirty days of submission of an application, the superintendent of public
4 instruction or third-party entity shall notify the parent whether the eligible student is
5 approved for the following school year and specify the amount of the education
6 savings account payment for the eligible student, if known at the time of the notice.

7 3. For an eligible student approved for an education savings account payment, the
8 superintendent of public instruction or third-party entity shall establish an individual
9 account for the eligible student in the education savings account fund and deposit the
10 payment into the eligible student's individual account within thirty days following
11 submission of the application, but in any case no later than July fifteenth. The funds
12 must be available immediately for the payment of qualified educational expenses
13 incurred by the parent for the eligible student during the fiscal year.

14 4. A nonpublic school or other provider of qualified educational expenses accepting
15 payment from a parent using funds from an eligible student's individual account in the
16 fund may not refund, rebate, or share any portion of the payment with the parent or
17 eligible student.

18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
19 fiscal year must be returned to the education savings account fund.

20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
21 an eligible student who:

22 a. Attends a public school is eligible to receive an education savings account
23 payment of five hundred dollars.:

24 b. Is enrolled in and attends a nonpublic participating school, or who participates in
25 a home education program in accordance with chapter 15.1-23 and is enrolled in
26 courses at the center for distance education, is eligible to receive an education
27 savings account payment of:

28 (1) Three thousand five hundred dollars, if the eligible student's household has
29 an annual income less than or equal to three hundred percent of the most
30 recently revised poverty income guidelines published by the United States
31 department of health and human services.

(2) Two thousand dollars, if the eligible student's household has an annual income less than or equal to five hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(3) Five hundred dollars, if the eligible student does not qualify under paragraph 1 or 2; or

c. Participates in a home education program in accordance with chapter 15.1-23, is eligible to receive an education savings account payment of five hundred dollars.

7. Education savings account payments may be approved for one school year and applications must be submitted annually for payments in subsequent school years.

8. Funds deposited in an education savings account are not taxable income to the parent or eligible student.

Participating schools - Accountability standards.

1. A participating school shall:

a. Comply with all health and safety laws or codes that apply to nonpublic schools.

b. Hold a valid occupancy permit if required by the city in which the school is located.

c. Certify the school complies with the nondiscrimination policies under 42 U.S.C. 1981.

d. Conduct criminal background checks on employees.

e. Exclude from employment any individual who:

(1) Is not permitted by state law to work in a nonpublic school; or

(2) Might reasonably pose a threat to the safety of eligible students.

f. Provide a parent with a receipt for all qualifying expenses at the school.

g. Demonstrate the school's financial viability, if the school will receive fifty thousand dollars or more during the school year, by filing with the superintendent of public instruction before the start of the school year:

(1) A surety bond payable to the state in an amount equal to the aggregate amount of funds from education savings accounts the participating school expects to receive; or

(2) Financial information demonstrating the school is able to pay an aggregate amount equal to the amount of the funds from education savings accounts the participating school expects to receive.

~~2.~~ ~~a.~~ An eligible student using education savings account program funds for tuition payments at a participating school shall take required state tests and assessments in accordance with section 15.1-21-08, unless the eligible student is participating in a home education program in accordance with chapter 15.1-23 and enrolled in courses at the center for distance education.

~~b.3.~~ The superintendent of public instruction shall ~~compile~~:

a. ~~Compile~~ and publish assessment results in accordance with sections 15.1-21-09 and 15.1-21-10.

~~c.~~ ~~The superintendent of public instruction shall administer~~

b. ~~Administer~~ an annual parental satisfaction survey requesting each parent of an eligible student receiving an education savings account program payment to indicate the number of years the child has participated in the education savings account program and express the parent's:

(1) Satisfaction with the education savings account program; and

(2) Opinions on other topics, items, or issues that may indicate the effectiveness of the education savings account program.

~~3.4.~~ A participating school or education service provider is autonomous and not an agent of the state or federal government. The superintendent may not regulate the educational program of a participating school or education service provider that accepts funds from an education savings account. The creation of the education savings account program does not expand the regulatory authority of the state, its officers, or a school district beyond the regulations necessary to enforce the requirements of the education savings account program.

SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -

EDUCATION SAVINGS ACCOUNT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the

- 1 purpose of administering the education savings account program, for the biennium beginning
- 2 July 1, 2025, and ending June 30, 2027.



Testimony in Support of HB 2400

Presented by: Dr. Alyssa Martin, NDCDE State Director

Date: 03/18/2025

Chair Heinert and members of the House Education Committee:

Thank you for the opportunity to provide testimony today. For the record, my name is Dr. Alyssa Martin, North Dakota Center for Distance Education's (NDCDE) state director. On behalf of NDCDE, I respectfully submit this testimony in support of SB 2400 with amendments.

Thank you for the opportunity to testify in support of the proposed amendments to Senate Bill 2400, particularly those found on page 4, lines 24–26 and page 6, lines 6–8. These amendments, which we received from Legislative Council just last night, provide access to a \$500 education savings account (ESA) voucher for homeschool students enrolled in courses through the North Dakota Center for Distance Education (NDCDE).

This is an important and positive development. NDCDE serves many homeschool families throughout the state. For some of these students, our diploma program is their only opportunity to earn a diploma from an accredited school. However, at an annual cost of \$2,500, the program can be financially out of reach. Last year alone, 40 families withdrew from the program due to cost. While the \$500 voucher does not cover the full amount, it is a welcome step in helping families with some of the expenses associated with high school completion.

We also recognize that the language on page 6, lines 6–8 clarifies that homeschool students participating in this program are not required to complete state assessments. This is not a change from our current practice. NDCDE has always met these students where they are and holds them to meaningful standards of accountability. We have recently moved to a competency-based education model, which allows us to track student progress by demonstrated mastery rather than time-based metrics—an approach that aligns well with the unique needs of homeschool learners.

In summary, these changes provide a modest but meaningful level of support to homeschool families and help remove some financial barriers to accessing accredited coursework. While our hope was for a voucher that could fully cover the cost of the diploma program, we are grateful for this first step and urge your support of the amendments.

Thank you for your time and for your commitment to educational access for all North Dakota students.



Contact:
Matt Perdue, Lobbyist
mperdue@ndfu.org | 701-952-0120

**Testimony of
Matt Perdue
North Dakota Farmers Union
In Opposition to SB 2400
House Education Committee
March 18, 2025**

Chairman Heinert and members of the committee,

Thank you for the opportunity to testify on Senate Bill No. 2400. My name is Matt Perdue, and I am submitting testimony on behalf of the North Dakota Farmers Union (NDFU). NDFU respectfully opposes SB 2400.

SB 2400 establishes a new Education Savings Account (ESA) Fund. The fund would provide \$500 to \$3,500 per student to cover the cost of qualified educational expenses. Those qualified expenses include tuition and fees for nonpublic education, textbooks and materials for education outside the traditional classroom, test fees, school meals and more.

NDFU's member-driven Policy & Action states, "We are opposed to the public funding of private schools." Currently, there are only 60 private schools in North Dakota—located in just 17 counties¹, most of which are urban—while public schools serve 90% of the state's students, including most rural counties. Most rural students simply do not have access to private schools and rely on the strong public schools that are pillars of our rural communities. While we appreciate efforts to increase funding for education, we believe those funds should be devoted to addressing the many needs of our public school system.

We further believe any new ESA should provide equitable payments to students at public and nonpublic schools. The legislation provides up to \$3,500 per student for students attending nonpublic schools but only provides \$500 for students attending public schools. This disparity disadvantages rural students, who already face higher costs in accessing additional educational opportunities due to travel and other factors.

For these reasons, we respectfully request a "Do Not Pass" recommendation on SB 2400. Thank you for your consideration.

¹North Dakota Department of Public Instruction. (n.d.). Data. <https://www.nd.gov/dpi/data>



North Dakota Small Organized Schools

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Legislative Testimony in Opposition to SB 2400

Chairman Heinert, members of the House Education committee, thank you for the opportunity to testify today. I would also like to extend my appreciation to the sponsors of SB 2400 for their efforts and research into Education Savings Accounts (ESAs) as a means of expanding educational opportunities for North Dakota students. NDSOS is not opposed to expanding educational opportunities for students, it is opposed to the use of public funds for tuition to non-public schools.

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

Under this bill, taxpayer dollars can be directed to non-public schools that are not subject to the same rules and regulations as our public schools. These institutions are not required to follow open records and open meeting laws, nor are they held to the same fiscal accountability standards. Schools receiving public funds should be held accountable to all the same rules and regulations.

Public schools must serve all students, regardless of their background, abilities, or socioeconomic status. Private schools, however, have the ability, which I fully support, to set admissions criteria. Public dollars should be used in ways that guarantee access, equity, and transparency, principles that are fundamental to our public education system.

For these reasons, I urge the committee to oppose SB 2400 and instead focus on strengthening public education, where taxpayer funds are used with full accountability and accessibility to benefit all North Dakota students. Thank you for your time and consideration. I am happy to answer any questions.

Mr. Michael Heilman – Executive Director
North Dakota Small Organized Schools
mheilmanndsos@gmail.com

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Mr. Kris Kuehn, Supt. Ray

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Dr. Steven Johnson, Supt. Ft. Ransom

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



Kidder County Public School District#1


High School Principal

Michael Wachter

Elementary Principal

Ryan Larson

Business Manager

Sonya Larson

Secretary

Darci Mittleider

RICHARD DIEGEL, Superintendent
Administrative Office

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Steele, ND 58482

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Oppositional Testimony on Senate Bill 2400: Education Savings Accounts (ESAs)

My name is Rick Diegel and I am the superintendent of schools at the Kidder County School District in Steele, North Dakota. This is my 38th year in education, and my 25 year as a superintendent. This testimony is to voice my strong opposition to Senate Bill 2400, which proposes establishing Education Savings Accounts (ESAs) in North Dakota.

As a school leader, I see firsthand how every dollar impacts our students, teachers, and community. While the idea of giving families more educational choices might sound appealing, the reality is that this bill threatens the quality and stability of our public schools—especially in rural areas like Kidder County.

Though this bill would provide to both public and private school students, the greatest benefit will be realized by families paying tuition to a private school, especially with the amount increasing from \$500 to possibly \$3500 for private school payment, though that amount can never increase for a public-school student.

Public schools are held to high standards. We're accountable to the community, the state, and most importantly, to our students. We follow strict guidelines for curriculum, teacher certification, and student performance. Through various laws this body has created, we live in a world where transparency occurs every day. However, SB 2400 only requires that students participate in the state assessment. Though these are important tests, that alone does not provide the transparency that our public expects. These schools still are not required to have open records, open meetings, public audits or accept all students. Public school also participate in the state assessment, along with following all other transparency rules.

In reading the bill, it lists 13 allowable way spend this government subsidy. However, in my 38-year career, I don't know that I've had any patrons tell me that the school should pay for their children's therapist bills, tutoring bills, mental health assistance, medical appointments or educational camps or tuition to attend nonpublic schools. However, what they have told me more times than I can count is that their taxes are too high. However, here we are debating SB 2400 that has a fiscal note of \$61 million, while not providing any property tax relief for Ag land and farmers.

\$61 million additional money in the foundation aid formula would equal about 1½% increase to the per pupil aide payment. A 1 ½ % increase would equal nearly 3 mills that I could lower my local levy. If the legislature isn't going to provide rural farmers with property tax relief, than put this \$61 million in the funding formula and let me give them some property tax relief.

Someone is going to have to explain to me how we can consider providing \$61 million in ESA's and not property tax relief to our farmers, because that simply doesn't make sense to me.

Please do the right thing and vote give SB 2400 a do not pass recommendation. Thank you and I will stand for any questions.

Dear members of the House Education Committee,

I would like to express my **opposition** to SB 2400. To use public funds for private education is contradictory by its nature. It is also hypocritical to deny improvements to public education experience (within the same legislative session) because of the cost, while simultaneously proposing to spend tens of millions of dollars on education elsewhere

This bill effectively redirects funds to private entities with little to no oversight. It is unfair for my tax dollars to support institutions that can selectively deny enrollment. It is my concern that private institutions will raise tuition to match the subsidy given to families by this action, or that dollars in this fund will be used fraudulently under the guise of “educational expenses”.

Labelling the bill as “school choice” is misleading - the choice of how to educate your child already exists. Public education is a gift for all citizens, paid for by the citizens. Parents have made the choice not to take this gift for reasons of their own and the right to make that choice is protected by the constitution. There is a cost to that decision, but it doesn’t mean they are treated unfairly. Even as they pay their property taxes, which helps pay for public education, the benefits they stand to gain from the fund far outweighs how much they contribute to public education. It is frustrating to hear so much about parents “paying their own way” as an excuse not to increase assistance to public schools – does that sentiment not apply here too?

Public education has been unfairly attacked with claims of indoctrination and the subtext of this bill further undermines it. I urge you to visit public schools firsthand to understand the real challenges educators face due to misguided legislation like this. The notion of widespread indoctrination is a fabrication—please see the reality for yourselves.

Scott Jezusko

I am writing to ask that you vote against any school voucher program. Voucher funding comes from the same pot of money used to fund public schools, diverting critical resources that could and should be dedicated to meeting the needs of students in public schools.

Once private schools receive public funding, they will simply raise their tuition to make it out of reach for most North Dakotan families. Public schools take any and all students, private schools do not. Please do not give public tax dollars to support private entities.

TO: ND LEGISLATORS

FROM: RICHARD OLSON

TO WHOM IT MAY CONCERN,

My wife and I have been involved in education as teachers all our lives. The work that public school teachers do is nothing short of amazing. Sleepless nights worrying about students, spending our own money on supplies badly needed, meeting with parents, and preparing for class are just a few of our duties and privileges.

I would venture to guess that almost all of us have been touched by the public education system in our lives and have become leaders and productive members of our state. I am respectfully asking that you strongly oppose any plan to use vouchers or privatize our school system.

Richard Olson

820 8th Street NE

Devils Lake< ND 58301

3/18/2025

Dear Representatives,

I am submitting this testimony in opposition to SB 2400. I know that the representatives working to pass this bill have good hearts—they want to help. I also believe that those representatives believe that they have taken into consideration homeschoolers and feel that the verbiage has been protective of their rights. In North Dakota, we feel that we are different; we're smarter than those other states. We think that what's happened in other states won't happen to us because we have put appropriate measures in place to protect homeschooling freedoms. I urge you as a constituent to take further action to protect homeschoolers from the potential ramifications of SB 2400. Twenty years from now, let your legacy be that you protected freedom. Don't let your tenure be the start of the erosion of freedoms for the many to serve the few homeschoolers who want ESA money. In other states, homeschoolers have seen more and more controls being placed on homeschoolers in the years following government assistance.

With all due respect, I believe that the legislatures and the attorneys assisting them with this bill do not have the lived experience of those in the homeschooling community and they are misguided by those who want this money. This bill may seem to have the appropriate protection for homeschoolers, but other states have seen, not in their current legislative session, but in future sessions, additional stipulations and controls being placed on homeschoolers.

I urge the legislators on the committee to put a firewall of protection around our freedoms. Those who want ESA money can do so under a separate "opt-in" designation from those who "opt-out." Nine states with ESAs have such firewalls and it has been proving effective to protect these freedoms. I'm nearly certain you have heard the reasoning for this many times, so I will not list those reasons here.

Home Educators such as I simply want to be amended out of SB 2400. We don't want to expend time worrying and lobbying for freedoms—we just want to teach our kids. The money sounds very appealing to me. We are not wealthy people but have chosen to sacrifice to give our children an education that they can only get through my husband and me.

I have one son and one daughter who have graduated thus far, and both are brilliant. They are outstanding citizens. Both should finish their Masters degrees within the upcoming year. Without going into detail, please know that both have pursued their unique dreams in huge ways that public or privately schooled kids simply can't, and I have been profoundly grateful for the freedom they have been given in North Dakota to do that. Please protect it by amending us out of this bill.

Thank you for your service. I know that it is a labor of love to serve our state in the legislature. Please know that your time and energy is greatly appreciated!

Very Respectfully,

Kathy Miiller

Bismarck, ND

TESTIMONY IN SUPPORT OF SB 2400

Sen. Michelle Axtman

House Education Committee

Tuesday, March 18, 2025

Mr. Chairman and members of the Senate Education Committee-

For the record, I am Senator Michelle Axtman, representing District 7. I am here to present Senate Bill 2400, which establishes a framework for a first of its kind educational savings account program in North Dakota.

I will start by explaining how SB 2400 got here today. In the 68th legislative session, we passed HB 1532, commonly known as the "voucher bill". However, Governor Burgum vetoed the bill stating that it "did not go far enough". I can now say, he was most definitely correct. Following his words, I dedicated my time the last year and a half to truly studying what educational opportunities could look like in North Dakota if we really got it right. Thankfully I had lots of examples to study as many states have implemented vast varieties of educational opportunities, allowing me to learn from their first attempts and their growth over the years. I met with educational leaders across our state and considered their inputs and concerns. I analyzed every state's multiple programs from micro grants, to vouchers, to tax credits scholarships, to tax deductions, to educational savings accounts. I found things I liked in each program, things I didn't like in each program, and things I felt were missing in each program. The one thing I kept getting hung up on was that several states prided themselves on a "universal" ESA. However, what that really means is that in their ESA, funds are universal only for those students who first opt out of the public school system. I decided

to work towards a bill that broke the mold, an educational opportunities framework that was for ALL students, truly "universal". Senate Bill 2400 would do just that, making North Dakota the first state to have an ESA program that also supports all public school students.

I would like to now move into the details within SB2400. It would establish an educational savings account program, administered within the department of public instruction. The ESA framework within SB2400 is a tiered program. The tiers are laid out starting on page 4, section 6. The first tier of the program would apply to all public school students, and they would all receive \$500 to be used to select services tailored from an online marketplace to meet their individual needs or interests, to enhance or supplement their public school education. Students do not learn in a one size fits all approach, and that demand has transferred to our school systems, trying to meet these unique individual needs. Having these funds go directly to the individual child allows every family to make the decision in what services can best help their child meet learning goals. I saw how this can play out in micro grants in other states and I saw school leaders create partnerships with contracted services selected by parents to help students make significant learning gains. The second tier of the program would apply to students who are enrolled in a non-public participating school. Students whose families household income is within 300% of the federal poverty level would receive \$3500, students whose families household income is within 500% of the federal poverty level would receive \$2000, and families above the 500% would receive \$500. This means-based tiered structure was chosen to truly give families who are not be able to afford tuition a chance to choose the best environment for their child to learn. In this tier, if a family chooses to use the funds towards a tuition payment, the student would be required to partake in the ND state assessment. The third tier in the program would be for home-education students. They

would receive \$500 in their ESA marketplace to be used to enhance or supplement their home education through maybe an online language course or services from a specialist for speech or dyslexia therapy.

This ESA program would be executed through a high quality online digital wallet and marketplace. This online marketplace would have only educational services that are researched, scrutinized, and individually approved by the department. Parents can log on and shop for either local services or virtual options that best fit their own child's needs. I would like to highlight a few unique items that SB2400 adds as qualifying expenses within the ESA marketplace.

Now I know that so far this session you have heard many arguments both for and against ESAs. I know that again we will hear arguments that our private schools should not take funds because they do not take all students with disabilities. But today, you will also hear from parents at a private school, right here in ND, whose mission is to solely educate students with special educational needs. I think it is time to set that argument aside and instead focus on how we could build a system that collaborates and partners together to best educate these students with unique needs. You may have heard arguments that school choice does not help rural communities; however, SB 2400 was written with rural students in mind. Please look at the list of the array of items that will be on the marketplace. For our rural schools whose students may not have access to certain language courses such as French class, a coding class, or even certain services like an occupational therapist or tutoring, this bill provides funds for a family to not only find it, but also now afford it. You will hear from home educated families who are supportive of ESAs and who feel that this ESA could make a difference in their child's educational outcomes. I have taken the opportunity to speak about this bill with many of my fellow parents across the state, from the public,

private, and homeschool sectors, and not one of them brought up the arguments you may hear today, rather they all were excited about the increased opportunities this offered for their children and the future of our State as a whole. This bill isn't about one educational option over another, this bill is about supporting each and every North Dakota student.

In senate education policy, we heard from Superintendent Baesler regarding the details of the Presidential Executive order on Education Opportunity. I would like to reiterate her comment that the " the Order makes it clear that at the federal level school choice is no longer a question of "if" but "how". I urge you to consider SB 2400 to be that framework of "how".

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
SECOND ENGROSSMENT**

REENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

- 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 the establishment of the education savings account program; to provide a
3 continuing appropriation; and to provide an appropriation.

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

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

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Education service provider" means a person approved to provide qualified education
10 services. The term does not include a participating school.
11 2. "Eligible student" means an elementary or secondary student who is a resident of this
12 state and eligible to attend a public school, including a student who has received a
13 scholarship under the education savings account program, if the student has not
14 graduated from high school or reached twenty-one years of age.
15 3. "Parent" means parent or legal guardian.
16 4. "Participating school" means a nonpublic school providing education to elementary
17 students, secondary students, or both, which has notified the administrator of the
18 school's intention to participate in the education savings account program and comply
19 with the education savings account program requirements.
20 5. "Qualified educational expenses" means:

- 1 a. Tuition and fees at a nonpublic school;
- 2 b. Textbooks, fees, or payments for educational therapies, including tutoring or
- 3 cognitive skills training;
- 4 c. Curriculum fees, software, and materials for a course of study for a specific
- 5 subject matter or grade level;
- 6 d. Tuition or fees for nonpublic online education programs;
- 7 e. Tuition for vocational and life skills education approved by the superintendent of
- 8 education;
- 9 f. Education materials and services for students with disabilities from an accredited
- 10 provider, including the cost of paraprofessionals and assistants who are trained in
- 11 accordance with state law;
- 12 g. Standardized test fees and advanced placement examinations or examinations
- 13 related to postsecondary education admission or credentialing;
- 14 h. Tuition or fees for dual-credit courses;
- 15 i. Meals served to students in school buildings;
- 16 j. Mental health assistance;
- 17 k. Medical appointments necessary for educational benefit;
- 18 l. Educational camps; and
- 19 m. Qualified expenses as adopted by the superintendent of public instruction in
- 20 administrative rules.

21 **Education savings account fund - Establishment - Continuing appropriation.**

22 There is created in the state treasury an education savings account fund. The fund consists
23 of moneys appropriated to the superintendent of public instruction for the education savings
24 account program. Moneys in the fund are appropriated on a continuing basis for education
25 savings accounts.

26 **Superintendent of public instruction - Administrator - Duties.**

- 27 1. The superintendent of public instruction is the education savings account program
- 28 administrator, and shall:
- 29 a. Annually inform eligible students and parents of the schools participating in the
- 30 education savings account program;

- 1 b. Create a standard application form a parent of an eligible student may submit to
2 establish the student's eligibility for the education savings account program. The
3 superintendent shall ensure the application is readily available to interested
4 families through various sources, including the department's website;
- 5 c. Execute a multimedia marketing program targeting eligible families, particularly
6 families below the state's median household income, informing the families about
7 the education savings account program and how to apply;
- 8 d. Establish a web and phone-based support system providing parents with
9 education savings account program application support and ongoing account
10 maintenance support;
- 11 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
12 platform used for the program meets the state's highest security requirements,
13 including compliance; and
- 14 f. Adopt rules to implement this chapter.
- 15 2. The superintendent of public instruction may:
16 a. Make and enter a contract with a third-party entity to administer and audit the
17 program, including allocating funds from each eligible student's account for the
18 payment of qualified educational expenses by the eligible student's parent;
19 b. Conduct audits or other reviews necessary to properly administer the program;
20 and
21 c. Bar a participating school or education service provider from the education
22 savings account program, if the superintendent determines the participating
23 school or education provider has:
24 (1) Routinely failed to comply with the accountability standards established
25 under this chapter; or
26 (2) Failed to provide the eligible student with the educational services funded by
27 the education savings account.

Enrollment - Account deposits.

- 29 1. From January first to June thirtieth immediately preceding the school year for which
30 the education savings account payment is requested, the parent of an eligible student

1 may request an education savings account payment by submitting an application to
2 the superintendent of public instruction.

3 2. Within thirty days of submission of an application, the superintendent of public
4 instruction or third-party entity shall notify the parent whether the eligible student is
5 approved for the following school year and specify the amount of the education
6 savings account payment for the eligible student, if known at the time of the notice.

7 3. For an eligible student approved for an education savings account payment, the
8 superintendent of public instruction or third-party entity shall establish an individual
9 account for the eligible student in the education savings account fund and deposit the
10 payment into the eligible student's individual account within thirty days following
11 submission of the application, but in any case no later than July fifteenth. The funds
12 must be available immediately for the payment of qualified educational expenses
13 incurred by the parent for the eligible student during the fiscal year.

14 4. A nonpublic school or other provider of qualified educational expenses accepting
15 payment from a parent using funds from an eligible student's individual account in the
16 fund may not refund, rebate, or share any portion of the payment with the parent or
17 eligible student.

18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
19 fiscal year must be returned to the education savings account fund.

20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
21 an eligible student who:

22 a. Attends a public school is eligible to receive an education savings account
23 payment of five hundred dollars.

24 b. Is enrolled in and attends a nonpublic participating school is eligible to receive an
25 education savings account payment of:

26 (1) Three thousand five hundred dollars, if the eligible student's household has
27 an annual income less than or equal to three hundred percent of the most
28 recently revised poverty income guidelines published by the United States
29 department of health and human services.

30 (2) Two thousand dollars, if the eligible student's household has an annual
31 income greater than three hundred percent and less than or equal to five

1 hundred percent of the most recently revised poverty income guidelines
2 published by the United States department of health and human services.

3 (3) Five hundred dollars, if the eligible student does not qualify under
4 paragraph 1 or 2.

5 c. Participates in a home education program in accordance with chapter 15.1-23, is
6 eligible to receive an education savings account payment of five hundred dollars.
7 This chapter and related rules do not apply to a home education student who is
8 not participating in the program under this chapter.

9 d. Attends a nonpublic school that is not a participating school is eligible to receive
10 an education savings account payment of five hundred dollars.

11 7. Education savings account payments may be approved for one school year and
12 applications must be submitted annually for payments in subsequent school years.

13 8. Funds deposited in an education savings account are not taxable income to the parent
14 or eligible student.

15 **Participating schools - Accountability standards - Autonomy.**

16 1. A participating school shall:

17 a. ~~Comply with all health and safety laws or codes that apply to nonpublic~~
18 ~~schools~~ Obtain approval to operate under section 15.1-06-06.1.

19 b. ~~Hold a valid occupancy permit if required by the city in which the school is~~
20 ~~located.~~

21 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
22 1981.

23 d. ~~Conduct criminal background checks on employees.~~

24 e. ~~Exclude from employment any individual who:~~

25 ~~(1) Is not permitted by state law to work in a nonpublic school; or~~

26 ~~(2) Might reasonably pose a threat to the safety of eligible students.~~

27 f.c. Provide a parent with a receipt for all qualifying expenses at the school.

28 g.d. Demonstrate the school's financial viability, if the school will receive fifty thousand
29 dollars or more during the school year, by filing with the superintendent of public
30 instruction before the start of the school year:

- 1 (1) A surety bond payable to the state in an amount equal to the aggregate
2 amount of funds from education savings accounts the participating school
3 expects to receive; or
- 4 (2) Financial information demonstrating the school is able to pay an aggregate
5 amount equal to the amount of the funds from education savings accounts
6 the participating school expects to receive.
- 7 e. Administer state tests and assessments and comply with requirements in
8 accordance with sections 15.1-21-08, 15.1-21-09, and 15.1-21-10.
- 9 2.—~~a.~~ An eligible student using education savings account program funds for tuition
10 payments at a participating school shall take required state tests and assessments in
11 accordance with section 15.1-21-08.
- 12 ~~b.3.~~ The superintendent of public instruction shall:
- 13 a. Shall compile and publish assessment results in accordance with sections
14 15.1-21-09 and 15.1-21-10.
- 15 ~~c. The superintendent of public instruction shall~~
- 16 b. Shall administer an annual parental satisfaction survey requesting each parent of
17 an eligible student receiving an education savings account program payment to
18 indicate the number of years the child has participated in the education savings
19 account program and express the parent's:
- 20 (1) Satisfaction with the education savings account program; and
21 (2) Opinions on other topics, items, or issues that may indicate the
22 effectiveness of the education savings account program.
- 23 c. May apply to a federal agency for supplemental funds for this program and may
24 create other education savings account programs in accordance with
25 requirements identified in a federal grant. The department of public instruction
26 may adopt rules to implement this subdivision. If there is a conflict between a
27 provision of this chapter and rules adopted to receive a federal grant under this
28 subdivision, the rules supersede this chapter.
- 29 ~~3.4.~~ A participating school or education service provider is autonomous and not an agent of
30 the state or federal government. The superintendent may not regulate the educational
31 program of a participating school or education service provider that accepts funds from

1 an education savings account. The creation of the education savings account program
2 does not expand the regulatory authority of the state, its officers, or a school district
3 beyond the regulations necessary to enforce the requirements of the education
4 savings account program.

5 **SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**
6 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in
7 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
8 much of the sum as may be necessary, to the superintendent of public instruction for the
9 purpose of administering the education savings account program, for the biennium beginning
10 July 1, 2025, and ending June 30, 2027.

March 17, 2025

Representative Pat Heinert, Chairman
Members of the North Dakota House Education Committee

Subject: Testimonial Support of Amendment to Senate Bill 2400

My name is Mike Talley. I am Superintendent of the Standing Rock Community Tribal School in Fort Yates, North Dakota. I am here today to request that the bill be amended to explicitly include tribal grant schools such as ours, which operate independently without partnerships with other institutions. The inclusion of tribal schools in this legislation is crucial for our continued growth, autonomy, and alignment with values of self-determination and tribal sovereignty.

Standing Rock Community School has been a cornerstone of education in our community for many years. As a non-public institution, we have worked diligently to ensure that our students are provided with an education that reflects our culture, language, and values. Unlike public schools, our limited funding is provided by the U.S. Department of the Interior, not the state nor the U.S. Department of Education. This funding model stems from the U.S. government's trust responsibility to Native tribes, recognizing our right to self-governance, including management of our own educational institutions.

Our Standing Rock tribe has chosen to operate an education system that is culturally relevant and aligned with our self-determination. This decision allows us to develop a curriculum that meets educational standards while promoting our cultural heritage. We abide by education standards and regulations, yet take pride in adhering to them in a way that reflects our values and sovereignty.

Under the current version of Senate Bill 2400, Standing Rock Community School would be categorized as a "participating school" because we are a non-public institution. However, we believe it is vital for the bill to explicitly include tribal grant schools such as ours, especially for schools that wish to maintain independence from the state's Century Code laws. We have no intention at this time of operating as, or in partnership with public schools. Instead, we are committed to serving the unique educational needs of our students as a non-public school in a way that aligns with our tribal leadership and cultural values.

Validating that tribal schools, such as ours, are eligible in the Education Savings Account (ESA) program as a "participating school" would provide us with the flexibility to participate in this initiative if we choose, without compromising our autonomy or the principles of tribal sovereignty. This opportunity would allow much needed additional resources and educational opportunities, currently unavailable to our students, ensuring that we can provide them with a quality education tailored to their needs.

We respectfully ask that the North Dakota State House Education Committee, to amend Senate Bill 2400 to explicitly include tribal grant schools. By doing so, you will help us continue to fulfill our mission of providing an education that is true to our heritage and respecting our sovereignty as a tribal nation.

Thank you for your time and thoughtful consideration of this important matter. We are confident that the passage of SB 2400, with the inclusion of tribal schools, will support the continued success and self-determination of Native American communities such as that of the Standing Rock community.

Mike Talley, Superintendent
Standing Rock Community School
Ft. Yates, North Dakota

March 17, 2025

Representative Pat Heinert, Chairman
Members of the North Dakota House Education Committee

Subject: Testimonial Support of Amendment to Senate Bill 2400 to include Tribal Schools

My name is Jackie Thompson. I am the Superintendent of the Tate Topa Tribal School, located in Fort Totten, North Dakota. I provide this testimony to that there be consideration to amend language in SB 2400 to clearly assure qualification of tribal grant schools like Tate Topa as participating schools. This amendment is critical for the continued growth and independence of our educational institution, while aligning with the values of self-determination and sovereignty that are foundational to our tribe.

Tate Topa Tribal School, a non-public school, has long served as a place of learning that respects and reflects our culture, language, and values. As a tribal school receiving funding from the U.S. Department of the Interior, rather than the U.S. Department of Education, our funding structure is rooted in the trust responsibility that the U.S. government holds toward tribes. This trust acknowledges our inherent right to self-governance, which includes the right to operate our educational institutions.

Our tribe has chosen to manage its own education system, developing a curriculum that not only meets educational standards but also preserves and promotes our cultural heritage. This decision aligns with the principle of self-determination, which allows tribes administer their own educational systems. We recognize the need for standards and regulations, and we adhere to those requirements as part of our commitment to maintaining a high-quality education while exercising our sovereignty.

Under the current wording of Senate Bill 2400, we understand Tate Topa Tribal School would be classified as a "participating school" due to its status as a non-public institution. However, we consider it is essential for the bill to explicitly include tribal grant schools such as ours, particularly for those tribal schools wishing to remain independent of the state's Century Code laws. Our school does not wish to operate as or in conjunction with a public school at this time. We are committed to serve the unique needs of our students while guided by our tribal values and governed under our tribe's leadership.

Assuring tribal schools as participating schools in the Education Savings Account (ESA) program would allow us opportunity to participate, should we choose, without compromising our autonomy or undermining the principles of tribal sovereignty. We envision access to resources and opportunities otherwise unavailable to us, ensuring that our students receive the best possible education for their needs.

We urge the North Dakota State House Education Committee to amend Senate Bill 2400 to clearly include tribal grant schools like Tate Topa, so we can continue to fulfill our mission on our terms in providing an education that honors our heritage and prepares our students for the future.

Thank you for your time and consideration. We are confident that the passage of SB 2400 with the clarity that tribal schools qualify in this important bill will contribute to the continued success and self-determination of the Spirit Lake Nation – Mni Wakan Oyate.

Jackie Thompson, Superintendent
Tate Topa Tribal School
Ft. Totten, North Dakota



Mr. Chairman and members of the committee, thank you for this opportunity to speak today about educational choice. My name is Aaron Gillham, Policy and Advocacy Director at EdChoice. For those less familiar, EdChoice was founded in 1996 by the free-market economist Milton Friedman and his wife Rose because they believed competition in the education space was vital to improving the outcomes of students in every type of community across the country. They also believed that parental choice was core to the principle of ensuring that outcome.

EdChoice has been working in the school choice space for almost 30 years, and we are nationally known for our in-depth research, polling, and statistics on topics surrounding education freedom.

I come here today to share some of our analysis on school choice in North Dakota, as we realize this important piece of legislation has the potential to change the lives of many families in the Peace Garden State.

Currently, **34 states, plus the District of Columbia and Puerto Rico**, have enacted some kind of school choice program, and many states like Ohio, Florida and Arizona have enacted multiple different programs operating side by side. Last year we hit a milestone as a nation, with the number of students utilizing private school choice programs surpassing **1.2 million**. Furthermore, with the Tennessee legislature passing a universal ESA program during their January special session, as well as Idaho and Wyoming earlier this month, there will now be **16 states** with school choice programs on the books that offer universal eligibility.

At EdChoice, we believe that allowing all families to choose the type of education that best matches their values and their educational needs is a critical component that has been lacking in American k-12 education. Families, especially hard working North Dakota families, shouldn't have to pay twice, once in taxes and once in tuition, just to access an education that works best for their children.

Moreover, the results of the empirical, gold standard studies on the outcomes of school choice programs are clear. There have been a total of **188** individual studies to date on the effects of choice programs, examining everything from educational attainment, to civic values, to parent satisfaction, and, of course, the financial effects on a state. The overwhelming number, **84%** of these studies, show positive outcomes, with another **10%** indicating neutral results. That's 94% of the studies showing a positive or neutral result. Last time I checked, 94% was an A, bordering on an A+.



Regarding **S.B. 2400**, which is specifically being considered today, we applaud many of the bill's features, including the wide array of approved expenses and the universal eligibility for non-public students. And, while we appreciate the Senate's willingness to fund families directly, we believe it is important that the amount provided by an Education Savings Account be large enough to have a transformative impact for students.

Across the various school choice programs that exist nationwide, the average choice program spending per pupil is just over **\$6,000** while the average K-12 per pupil spending in district schools is just over **\$17,000**. This is far above the structure of **S.B. 2400** which only allows some students to receive **\$500** annually at the low end. Of course, any help for families is important, but it is critical that school choice programs offer meaningful amounts so that families can access as many options as possible. Reducing or removing the financial barriers to allow families to seek out those options is key to these programs and their success.

Additionally, different students thrive in different types of educational environments, which means a one-size-fits all system doesn't work for all children. This is definitely the case when it comes to testing and accountability. States that have enacted ESAs across America recognize this need to be flexible. Only 2 out of the 15 states with ESA programs require state testing, while eight states allow for nationally norm-referenced testing and five states require no testing. That means the vast majority of states allow for testing flexibility, and while we understand the importance of knowing how kids are doing, mandating a state test for the ESA in North Dakota would be out of sync with the rest of the country. Parents, after all, are the ultimate arbiters of accountability, and Education Savings Accounts allow them the ability to make the choices that are best for their children.

And that's what this is really all about, giving families the ability to choose what's right for them and their children.



To learn about ESA programs, we would invite you to check out our website, echoice.org, to see our research, as well as access to our publications for download.

Thank you very much for the time to comment today on this important legislation.

Aaron Gillham

Policy and Advocacy Director

E: aaron@edchoice.org

C: 513.702.5761

edchoice.org

111 Monument Circle, Suite 2650

Indianapolis, IN 46204

*"Advancing educational freedom and choice for all
as a pathway to successful lives and a stronger society."*

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2400
4/1/2025

Relating to the establishment of the education savings account program; and to provide an appropriation.

9:39 a.m. Chairman Heinert called the meeting to order.

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

Discussion Topics:

- Committee action

9:43 a.m. Representative Morton moved to adopt amendment 25.1334.04003. #44511

9:43 a.m. Representative Morton seconded the motion.

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

Motion carried: 12-2-0

9:53 a.m. Vice Chair Schreiber- Beck moved to adopt amendment 25.1334.04004. #44512

9:54 a.m. Representative Conmy seconded the motion.

9:59 a.m. Vice Chair Schreiber- Beck rescinded her motion.

9:59 a.m. Vice Chair Schreiber- Beck proposed to adopt amendments 25.1334.04004 and to move the penalty phase. #44512

10:00 a.m. Representative Conmy seconded the motion.

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

Motion carried: 11-3-0

10:14 a.m. Vice Chair Schreiber- Beck proposed to adopt amendments 25.1334.04001.
#42794 (Submitted on 3-18)

10:14 a.m. Representative Maki seconded the motion.

10:17 a.m. Vice Chair Schreiber- Beck rescinded her motion.

10:37 a.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

Reconsidered and further amended on 04/02/25.

25.1334.04003
Title.

Prepared by the Legislative Council
staff for Representative Morton
March 24, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

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 the establishment of the education savings account program; to amend and
3 reenact section 15.1-20-02 of the North Dakota Century Code, relating to exceptions to
4 compulsory school attendance; to provide a continuing appropriation; and to provide an
5 appropriation.

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

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

9 **Definitions.**

10 As used in this chapter:

- 11 1. "Education service provider" means a person approved to provide qualified education
12 services. The term does not include a participating school or a parent supervising
13 home education in accordance with chapter 15.1-23.
- 14 2. "Eligible student" means an elementary or secondary student who is a resident of this
15 state and eligible to attend a public school, including a student who has received a
16 scholarship under the education savings account program, if the student has not
17 graduated from high school or reached twenty-one years of age.
- 18 3. "Parent" means parent or legal guardian.
- 19 4. "Participating school" means a nonpublic school providing education to elementary
20 students, secondary students, or both, which has notified the administrator of the

1 school's intention to participate in the education savings account program and comply
2 with the education savings account program requirements.

3 5. "Qualified educational expenses" means:

4 a. Tuition and fees at a nonpublic school;

5 b. Textbooks, fees, or payments for educational therapies, including tutoring or
6 cognitive skills training;

7 c. Curriculum fees, software, and materials for a course of study for a specific
8 subject matter or grade level;

9 d. Tuition or fees for nonpublic online education programs;

10 e. Tuition for vocational and life skills education approved by the superintendent of
11 education;

12 f. Education materials and services for students with disabilities from an accredited
13 provider, including the cost of paraprofessionals and assistants who are trained in
14 accordance with state law;

15 g. Standardized test fees and advanced placement examinations or examinations
16 related to postsecondary education admission or credentialing;

17 h. Tuition or fees for dual-credit courses;

18 i. Meals served to students in school buildings;

19 j. Mental health assistance;

20 k. Medical appointments necessary for educational benefit;

21 l. Educational camps; and

22 m. Qualified expenses as adopted by the superintendent of public instruction in
23 administrative rules.

24 **Education savings account fund - Establishment - Continuing appropriation.**

25 There is created in the state treasury an education savings account fund. The fund consists
26 of moneys appropriated to the superintendent of public instruction for the education savings
27 account program. Moneys in the fund are appropriated on a continuing basis for education
28 savings accounts.

29 **Superintendent of public instruction - Administrator - Duties.**

30 1. The superintendent of public instruction is the education savings account program
31 administrator, and shall:

- 1 a. Annually inform eligible students and parents of the schools participating in the
- 2 education savings account program;
- 3 b. Create a standard application form a parent of an eligible student may submit to
- 4 establish the student's eligibility for the education savings account program. The
- 5 superintendent shall ensure the application is readily available to interested
- 6 families through various sources, including the department's website;
- 7 c. Execute a multimedia marketing program targeting eligible families, particularly
- 8 families below the state's median household income, informing the families about
- 9 the education savings account program and how to apply;
- 10 d. Establish a web and phone-based support system providing parents with
- 11 education savings account program application support and ongoing account
- 12 maintenance support;
- 13 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
- 14 platform used for the program meets the state's highest security requirements,
- 15 including compliance; and
- 16 f. Adopt rules to implement this chapter.
- 17 2. The superintendent of public instruction may:
- 18 a. Make and enter a contract with a third-party entity to administer and audit the
- 19 program, including allocating funds from each eligible student's account for the
- 20 payment of qualified educational expenses by the eligible student's parent;
- 21 b. Conduct audits or other reviews necessary to properly administer the program;
- 22 and
- 23 c. Bar a participating school or education service provider from the education
- 24 savings account program, if the superintendent determines the participating
- 25 school or education provider has:
- 26 (1) Routinely failed to comply with the accountability standards established
- 27 under this chapter; or
- 28 (2) Failed to provide the eligible student with the educational services funded by
- 29 the education savings account.

Enrollment - Account deposits.

1. From January first to June thirtieth immediately preceding the school year for which the education savings account payment is requested, the parent of an eligible student may request an education savings account payment by submitting an application to the superintendent of public instruction.
2. Within thirty days of submission of an application, the superintendent of public instruction or third-party entity shall notify the parent whether the eligible student is approved for the following school year and specify the amount of the education savings account payment for the eligible student, if known at the time of the notice.
Approval by the superintendent of public instruction of an eligible student for an education savings account is an exception to compulsory school attendance under section 15.1-20-02.
3. For an eligible student approved for an education savings account payment, the superintendent of public instruction or third-party entity shall establish an individual account for the eligible student in the education savings account fund and deposit the payment into the eligible student's individual account within thirty days following submission of the application, but in any case no later than July fifteenth. The funds must be available immediately for the payment of qualified educational expenses incurred by the parent for the eligible student during the fiscal year.
4. A ~~nonpublic~~participating school or ~~other provider of qualified educational expenses~~education service provider accepting payment from a parent using funds from an eligible student's individual account in the fund may not refund, rebate, or share any portion of the payment with the parent or eligible student.
5. Moneys remaining in an eligible student's individual account upon conclusion of the fiscal year must be returned to the education savings account fund.
6. Beginning with the school budget year beginning July 1, 2026, for each school year, an eligible student who:
 - a. ~~Attends~~Is enrolled full-time in and attends a public school is eligible to receive an education savings account payment of five hundred dollars.
 - b. Is enrolled full-time in and attends a ~~nonpublic~~-participating school is eligible to receive an education savings account payment of:

(1) Three thousand five hundred dollars, if the eligible student's household has an annual income less than or equal to three hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(2) Two thousand dollars, if the eligible student's household has an annual income less than or equal to five hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(3) Five hundred dollars, if the eligible student does not qualify under paragraph 1 or 2.

c. ~~Participates in a home education program in accordance with chapter 15.1-23~~Is not enrolled full-time in a public school or participating school, is eligible to receive an education savings account payment of five hundred dollars.

7. Education savings account payments may be approved for one school year and applications must be submitted annually for payments in subsequent school years.

8. Funds deposited in an education savings account are not taxable income to the parent or eligible student.

9. A parent who submits an application for an education savings account for an eligible student, which is approved by the superintendent of public instruction, may not file a statement of intent under section 15.1-23-02. If a statement of intent is on file at the time the application is approved, the approval constitutes revocation of the statement of intent.

Participating schools - Accountability standards.

1. A participating school shall:

a. Comply with all health and safety laws or codes that apply to nonpublic schools.

b. Hold a valid occupancy permit if required by the city in which the school is located.

c. Certify the school complies with the nondiscrimination policies under 42 U.S.C. 1981.

d. Conduct criminal background checks on employees.

e. Exclude from employment any individual who:

- 1 (1) Is not permitted by state law to work in a nonpublic school; or
- 2 (2) Might reasonably pose a threat to the safety of eligible students.
- 3 f. Provide a parent with a receipt for all qualifying expenses at the school.
- 4 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
- 5 dollars or more during the school year, by filing with the superintendent of public
- 6 instruction before the start of the school year:
- 7 (1) A surety bond payable to the state in an amount equal to the aggregate
- 8 amount of funds from education savings accounts the participating school
- 9 expects to receive; or
- 10 (2) Financial information demonstrating the school is able to pay an aggregate
- 11 amount equal to the amount of the funds from education savings accounts
- 12 the participating school expects to receive.
- 13 2. a. An eligible student using education savings account program funds for tuition
- 14 payments at a participating school shall take required state tests and
- 15 assessments in accordance with section 15.1-21-08.
- 16 b. The superintendent of public instruction shall compile and publish assessment
- 17 results in accordance with sections 15.1-21-09 and 15.1-21-10.
- 18 ~~e.3.~~ The superintendent of public instruction shall administer an annual parental
- 19 satisfaction survey requesting each parent of an eligible student receiving an
- 20 education savings account program payment to indicate the number of years the
- 21 child has participated in the education savings account program and express the
- 22 parent's:
- 23 ~~(1)a.~~ Satisfaction with the education savings account program; and
- 24 ~~(2)b.~~ Opinions on other topics, items, or issues that may indicate the
- 25 effectiveness of the education savings account program.
- 26 ~~3.4.~~ A participating school or education service provider is autonomous and not an agent of
- 27 the state or federal government. The superintendent may not regulate the educational
- 28 program of a participating school or education service provider that accepts funds from
- 29 an education savings account. The creation of the education savings account program
- 30 does not expand the regulatory authority of the state, its officers, or a school district

1 beyond the regulations necessary to enforce the requirements of the education
2 savings account program.

3 **SECTION 2. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-20-02. Compulsory attendance - Exceptions.**

6 1. Section 15.1-20-01 does not apply if the person having responsibility for the child
7 demonstrates to the satisfaction of the school board that:

- 8 a. The child is in attendance for the same length of time at an approved nonpublic
9 school;
- 10 b. The child has completed high school;
- 11 c. The child is necessary to the support of the child's family;
- 12 d. A multidisciplinary team including the child's school district superintendent, the
13 director of the child's special education unit, the child's classroom teacher, the
14 child's physician, and the child's parent has determined that the child has a
15 disability that renders attendance or participation in a regular or special education
16 program inexpedient or impracticable;
- 17 e. The child is receiving home education; ~~or~~
- 18 f. The child is a military-connected student engaging in virtual instruction under
19 section 15.1-07-37 at the educational entity of the gaining or losing military
20 installation, a student with a medical condition unable to physically attend school,
21 or a student moving out of state and virtual instruction is allowed by the gaining
22 or losing educational entity; or
- 23 g. The child is not enrolled full-time in a public school or "participating school" as
24 that term is defined under section 1 of this Act, and is participating in the
25 education savings account program under section 1 of this Act.
- 26 2. The period of virtual instruction under subdivision f of subsection 1 may not extend
27 beyond the current school year.
- 28 3. A decision by the board of a school district under subsection 1 is appealable to the
29 district court.

30 **SECTION 3. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**
31 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in

Sixty-ninth
Legislative Assembly

- 1 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
- 2 much of the sum as may be necessary, to the superintendent of public instruction for the
- 3 purpose of administering the education savings account program, for the biennium beginning
- 4 July 1, 2025, and ending June 30, 2027.

25.1334.04004
Title.

Prepared by the Legislative Council
staff for Representative Schreiber-Beck
March 25, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

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 the establishment of the education savings account program; to provide a
3 penalty; to provide ~~a continuing~~ appropriation; and to provide ~~ana continuing~~ appropriation.

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

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

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Education service provider" means a person approved to provide qualified education
10 services. The term does not include a participating school.
- 11 2. "Eligible student" means an elementary or secondary student who is a resident of this
12 state and eligible to attend a public school, including a student who has received a
13 scholarship under the education savings account program, if the student has not
14 graduated from high school or reached twenty-one years of age.
- 15 3. "Parent" means parent or legal guardian.
- 16 4. "Participating school" means a nonpublic school providing education to elementary
17 students, secondary students, or both, which has notified the administrator of the
18 school's intention to participate in the education savings account program and comply
19 with the education savings account program requirements.
- 20 5. "Qualified educational expenses" means:

- 1 a. Tuition and fees at a nonpublic school;
- 2 b. Textbooks, fees, or payments for educational therapies, including tutoring or
- 3 cognitive skills training;
- 4 c. Curriculum fees, software, and materials for a course of study for a specific
- 5 subject matter or grade level;
- 6 d. Tuition or fees for nonpublic online education programs;
- 7 e. Tuition for vocational and life skills education approved by the superintendent of
- 8 education;
- 9 f. Education materials and services for students with disabilities from an accredited
- 10 provider, including the cost of paraprofessionals and assistants who are trained in
- 11 accordance with state law;
- 12 g. Standardized test fees and advanced placement examinations or examinations
- 13 related to postsecondary education admission or credentialing;
- 14 h. Tuition or fees for dual-credit courses;
- 15 i. Meals served to students in school buildings;
- 16 j. Mental health assistance;
- 17 k. Medical appointments necessary for educational benefit;
- 18 l. Educational camps; and
- 19 m. Qualified expenses as adopted by the superintendent of public instruction in
- 20 administrative rules.

21 **Education savings account fund - Establishment - Continuing appropriation.**

22 There is created in the state treasury an education savings account fund. The fund consists
23 of moneys appropriated to the superintendent of public instruction for the education savings
24 account program. Moneys in the fund are appropriated on a continuing basis for education
25 savings accounts.

26 **Superintendent of public instruction - Administrator - Duties.**

- 27 1. The superintendent of public instruction is the education savings account program
- 28 administrator, and shall:
- 29 a. Annually inform eligible students and parents of the schools participating in the
- 30 education savings account program;

- b. Create a standard application form a parent of an eligible student may submit to establish the student's eligibility for the education savings account program. The superintendent shall ensure the application is readily available to interested families through various sources, including the department's website;
- c. Execute a multimedia marketing program targeting eligible families, particularly families below the state's median household income, informing the families about the education savings account program and how to apply;
- d. Establish a web and phone-based support system providing parents with education savings account program application support and ongoing account maintenance support;
- e. Reduce potential waste, fraud, and abuse, and ensure that any technology platform used for the program meets the state's highest security requirements, including compliance; ~~and~~
- f. Report evidence of the misuse of education savings account funds to law enforcement;
- g. Inform the parent of a student with a disability under the Individuals with Disabilities Education Act of 1990 [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.] if the parent spends the funds in the student's education savings account on tuition or fees at a nonpublic school, the services received from the nonpublic school constitute a parental placement and the protections under the Individuals with Disabilities Education Act of 1990 no longer apply to the student; and
- h. Adopt rules to implement this chapter.
2. The superintendent of public instruction may:
- a. Make and enter a contract with a third-party entity to administer and audit the program, including allocating funds from each eligible student's account for the payment of qualified educational expenses by the eligible student's parent;
- b. Conduct audits or other reviews necessary to properly administer the program; and
- c. Bar a participating school or education service provider from the education savings account program, if the superintendent determines the participating school or education provider has:

(1) Routinely failed to comply with the accountability standards established under this chapter; or

(2) Failed to provide the eligible student with the educational services funded by the education savings account.

Misuse of education savings account funds prohibited - Penalty.

1. A person is guilty of an offense under this section if the person:

a. Spends the funds in an education savings account for an expense the person knows is not a qualified education expense; or

b. Intentionally fails to provide an eligible student with the educational services funded by the education savings account.

2. An offense under this section is:

a. A class A felony if the value of the funds spent or the educational services not provided exceeds fifty thousand dollars;

b. A class B felony if the value of the funds spent or the educational services not provided exceeds ten thousand dollars but does not exceed fifty thousand dollars;

c. A class C felony if the value of the funds spent or the educational services not provided exceeds one thousand dollars but does not exceed ten thousand dollars;

d. A class A misdemeanor if the value of the funds spent or the educational services not provided exceeds five hundred dollars but does not exceed one thousand dollars; or

e. A class B misdemeanor in all other cases.

Enrollment - Account deposits.

1. From January first to June thirtieth immediately preceding the school year for which the education savings account payment is requested, the parent of an eligible student may request an education savings account payment by submitting an application to the superintendent of public instruction.

2. Within thirty days of submission of an application, the superintendent of public instruction or third-party entity shall notify the parent whether the eligible student is

approved for the following school year and specify the amount of the education savings account payment for the eligible student, if known at the time of the notice.

3. For an eligible student approved for an education savings account payment, the superintendent of public instruction or third-party entity shall establish an individual account for the eligible student in the education savings account fund and deposit the payment into the eligible student's individual account within thirty days following submission of the application, but in any case no later than July fifteenth. The funds must be available immediately for the payment of qualified educational expenses incurred by the parent for the eligible student during the fiscal year.

4. A nonpublic school or other provider of qualified educational expenses accepting payment from a parent using funds from an eligible student's individual account in the fund may not refund, rebate, or share any portion of the payment with the parent or eligible student.

5. Moneys remaining in an eligible student's individual account upon conclusion of the fiscal year must be returned to the education savings account fund.

6. Beginning with the school budget year beginning July 1, 2026, for each school year, an eligible student who:

a. Attends a public school is eligible to receive an education savings account payment of ~~five hundred~~one thousand dollars.

b. Is enrolled in and attends a nonpublic participating school is eligible to receive an education savings account payment of:

(1) Three thousand five hundred dollars, if the eligible student's household has an annual income less than or equal to three hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(2) Two thousand dollars, if the eligible student's household has an annual income less than or equal to five hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(3) ~~Five hundred~~One thousand dollars, if the eligible student does not qualify under paragraph 1 or 2.

c. Participates in a home education program in accordance with chapter 15.1-23, is eligible to receive an education savings account payment of ~~five hundred~~ one thousand dollars.

7. Education savings account payments may be approved for one school year and applications must be submitted annually for payments in subsequent school years.

8. Funds deposited in an education savings account are not taxable income to the parent or eligible student.

Participating schools - Accountability standards.

1. A participating school shall:

a. Comply with all health and safety laws or codes that apply to nonpublic schools.

b. Hold a valid occupancy permit if required by the city in which the school is located.

c. Certify the school complies with the nondiscrimination policies under 42 U.S.C. 1981.

d. Conduct criminal background checks on employees.

e. Exclude from employment any individual who:

(1) Is not permitted by state law to work in a nonpublic school; or

(2) Might reasonably pose a threat to the safety of eligible students.

f. Provide a parent with a receipt for all qualifying expenses at the school.

g. Demonstrate the school's financial viability, if the school will receive fifty thousand dollars or more during the school year, by filing with the superintendent of public instruction before the start of the school year:

(1) A surety bond payable to the state in an amount equal to the aggregate amount of funds from education savings accounts the participating school expects to receive; or

(2) Financial information demonstrating the school is able to pay an aggregate amount equal to the amount of the funds from education savings accounts the participating school expects to receive.

2. a. An eligible student using education savings account program funds for tuition payments at a participating school shall take required state tests and assessments in accordance with section 15.1-21-08.

b. The superintendent of public instruction shall compile and publish assessment results in accordance with sections 15.1-21-09 and 15.1-21-10.

c. The superintendent of public instruction shall administer an annual parental satisfaction survey requesting each parent of an eligible student receiving an education savings account program payment to indicate the number of years the child has participated in the education savings account program and express the parent's:

(1) Satisfaction with the education savings account program; and

(2) Opinions on other topics, items, or issues that may indicate the effectiveness of the education savings account program.

3. A participating school or education service provider is autonomous and not an agent of the state or federal government. The superintendent may not regulate the educational program of a participating school or education service provider that accepts funds from an education savings account. The creation of the education savings account program does not expand the regulatory authority of the state, its officers, or a school district beyond the regulations necessary to enforce the requirements of the education savings account program.

SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -

EDUCATION SAVINGS ACCOUNT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of administering the education savings account program, for the biennium beginning July 1, 2025, and ending June 30, 2027.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2400
4/2/2025

Relating to the creation of a criminal offense for the misuse of education savings account funds and the establishment of the education savings account program.

3:14 p.m. Chairman Heinert opened the hearing.

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

Discussion Topics:

- Schools participating in the program
- Program funding for private schools

3:14 p.m. Chairman Heinert recessed the meeting.

3:57 p.m. Chairman Heinert reconvened the meeting.

3:57 p.m. Representative Schreiber-Beck proposed Amendment LC: 25.1334.04006, testimony #44588.

3:59 p.m. Representative Schreiber Beck moved to reconsider.

3:59 p.m. Representative Morton seconded the motion.

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

4:01 p.m. Motion passed 14-0-0

4:03 p.m. Representative Morton moved to Amend LC: 25.1334.04006, testimony #44588.

4:03 p.m. Representative Conmy seconded the motion.

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

4:06 p.m. Motion passed 14-0-0

4:06 p.m. Chairman Heinert recessed the meeting.

4:17 p.m. Chairman Heinert reconvened the meeting.

4:18 p.m. Adam Tescher, School Finance Officer for the North Dakota Department of Public Instruction, answered committee questions.

4:29 p.m. Representative Conmy moved a Do Not Pass as amended.

4:30 p.m. Representative Hatlestad seconded the motion.

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

4:31 p.m. Motion passed 11-3-0

4:31 p.m. Representative Hauck will carry the bill.

4:32 p.m. Chairman Heinert closed the hearing.

Wyatt Armstrong for Leah Kuball, Committee Clerk

April 2, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
SECOND ENGROSSMENT**

CO
4/2/25
10f9

REENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 12.1-23 and chapter to
2 title 15.1-27.1 of the North Dakota Century Code, relating to the creation of a criminal
3 offense for the misuse of education savings account funds and the establishment of the
4 education savings account program; to amend and reenact section 15.1-20-02 of the North
5 Dakota Century Code, relating to exceptions to compulsory school attendance; to provide a
6 penalty; to provide a continuing appropriation; and to provide ana continuing appropriation.

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

8 **SECTION 1.** A new section to chapter 12.1-23 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Misuse of education savings account funds - Penalty.**

11 1. A person is guilty of an offense under this section if the person:

12 a. Spends the funds in an education savings account for an expense the person
13 knows is not a qualified education expense; or

14 b. Intentionally fails to provide an eligible student with the educational services
15 funded by the education savings account.

16 2. An offense under this section is:

17 a. A class A felony if the value of the funds spent or the educational services not
18 provided exceeds fifty thousand dollars;

b. A class B felony if the value of the funds spent or the educational services not provided exceeds ten thousand dollars but does not exceed fifty thousand dollars;

c. A class C felony if the value of the funds spent or the educational services not provided exceeds one thousand dollars but does not exceed ten thousand dollars;

d. A class A misdemeanor if the value of the funds spent or the educational services not provided exceeds five hundred dollars but does not exceed one thousand dollars; or

e. A class B misdemeanor in all other cases.

~~SECTION 2. A new chapter to title 15.1 of the North Dakota Century Code is created and enacted as follows:~~

SECTION 2. Chapter 15.1-27.1 of the North Dakota Century Code is created and enacted as follows:

15.1-27.1-01. Definitions.

As used in this chapter:

1. "Education service provider" means a person approved to provide qualified education services. The term does not include a participating school or a parent supervising home education in accordance with chapter 15.1-23.
2. "Eligible student" means an elementary or secondary student who is a resident of this state and eligible to attend a public school, including a student who has received a scholarship under the education savings account program, if the student has not graduated from high school or reached twenty-one years of age.
3. "Parent" means parent or legal guardian.
4. "Participating school" means a nonpublic school providing education to elementary students, secondary students, or both, which 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.
5. "Qualified educational expenses" means:
 - a. Tuition and fees at a nonpublic school;

- 1 b. Textbooks, fees, or payments for educational therapies, including tutoring or
- 2 cognitive skills training;
- 3 c. Curriculum fees, software, and materials for a course of study for a specific
- 4 subject matter or grade level;
- 5 d. Tuition or fees for nonpublic online education programs;
- 6 e. Tuition for vocational and life skills education approved by the superintendent of
- 7 education;
- 8 f. Education materials and services for students with disabilities from an accredited
- 9 provider, including the cost of paraprofessionals and assistants who are trained in
- 10 accordance with state law;
- 11 g. Standardized test fees and advanced placement examinations or examinations
- 12 related to postsecondary education admission or credentialing;
- 13 h. Tuition or fees for dual-credit courses;
- 14 i. Meals served to students in school buildings;
- 15 j. Mental health assistance;
- 16 k. Medical appointments necessary for educational benefit;
- 17 l. Educational camps; and
- 18 m. Qualified expenses as adopted by the superintendent of public instruction in
- 19 administrative rules.

20 **15.1-27.1-02. Education savings account fund - Establishment - Continuing**
21 **appropriation.**

22 There is created in the state treasury an education savings account fund. The fund consists
23 of moneys appropriated to the superintendent of public instruction for the education savings
24 account program. Moneys in the fund are appropriated on a continuing basis for education
25 savings accounts.

26 **15.1-27.1-03. Superintendent of public instruction - Administrator - Duties.**

- 27 1. The superintendent of public instruction is the education savings account program
- 28 administrator, and shall:
- 29 a. Annually inform eligible students and parents of the schools participating in the
- 30 education savings account program.

- 1 b. Create a standard application form a parent of an eligible student may submit to
2 establish the student's eligibility for the education savings account program. The
3 superintendent shall ensure the application is readily available to interested
4 families through various sources, including the department's website.
- 5 c. Execute a multimedia marketing program targeting eligible families, particularly
6 families below the state's median household income, informing the families about
7 the education savings account program and how to apply.
- 8 d. Establish a web and phone-based support system providing parents with
9 education savings account program application support and ongoing account
10 maintenance support.
- 11 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
12 platform used for the program meets the state's highest security requirements,
13 including compliance; and.
- 14 f. Report evidence of the misuse of education savings account funds to law
15 enforcement.
- 16 g. Inform the parent of a student with a disability under the Individuals with
17 Disabilities Education Act of 1990 [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400
18 et seq.] if the parent spends the funds in the student's education savings account
19 on tuition or fees at a nonpublic school, the services received from the nonpublic
20 school constitute a parental placement and the protections under the Individuals
21 with Disabilities Education Act of 1990 no longer apply to the student.
- 22 h. Adopt rules to implement this chapter.
- 23 2. The superintendent of public instruction may:
 - 24 a. Make and enter a contract with a third-party entity to administer and audit the
25 program, including allocating funds from each eligible student's account for the
26 payment of qualified educational expenses by the eligible student's parent.
 - 27 b. Conduct audits or other reviews necessary to properly administer the program;
28 and.
 - 29 c. Bar a participating school or education service provider from the education
30 savings account program, if the superintendent determines the participating
31 school or education provider has:

- 1 (1) Routinely failed to comply with the accountability standards established
- 2 under this chapter; or
- 3 (2) Failed to provide the eligible student with the educational services funded by
- 4 the education savings account.

5 **15.1-27.1-04. Enrollment - Account deposits.**

- 6 1. From January first to June thirtieth immediately preceding the school year for which
- 7 the education savings account payment is requested, the parent of an eligible student
- 8 may request an education savings account payment by submitting an application to
- 9 the superintendent of public instruction.
- 10 2. Within thirty days of submission of an application, the superintendent of public
- 11 instruction or third-party entity shall notify the parent whether the eligible student is
- 12 approved for the following school year and specify the amount of the education
- 13 savings account payment for the eligible student, if known at the time of the notice.
- 14 3. For an eligible student approved for an education savings account payment, the
- 15 superintendent of public instruction or third-party entity shall establish an individual
- 16 account for the eligible student in the education savings account fund and deposit the
- 17 payment into the eligible student's individual account within thirty days following
- 18 submission of the application, but in any case no later than July fifteenth. The funds
- 19 must be available immediately for the payment of qualified educational expenses
- 20 incurred by the parent for the eligible student during the fiscal year.
- 21 4. A ~~nonpublic~~ **participating** school or ~~other provider of qualified educational~~
- 22 ~~expenses~~ **education service provider** accepting payment from a parent using funds
- 23 from an eligible student's individual account in the fund may not refund, rebate, or
- 24 share any portion of the payment with the parent or eligible student.
- 25 5. Moneys remaining in an eligible student's individual account upon conclusion of the
- 26 fiscal year must be returned to the education savings account fund.
- 27 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
- 28 an eligible student who:
- 29 a. ~~Attends~~ **Is enrolled full-time in and attends** a public school is eligible to receive an
- 30 education savings account payment of ~~five hundred~~ **one thousand** dollars.

- 1 b. Is enrolled full-time in and attends a ~~nonpublic~~ participating school, or who
2 participates in a home education program subject to subsection 9 and is enrolled
3 in courses at the center for distance education, is eligible to receive an education
4 savings account payment of:
- 5 (1) Three thousand five hundred dollars, if the eligible student's household has
6 an annual income less than or equal to three hundred percent of the most
7 recently revised poverty income guidelines published by the United States
8 department of health and human services.
- 9 (2) Two thousand dollars, if the eligible student's household has an annual
10 income greater than three hundred percent and less than or equal to five
11 hundred percent of the most recently revised poverty income guidelines
12 published by the United States department of health and human services.
- 13 (3) ~~Five hundred~~One thousand dollars, if the eligible student does not qualify
14 under paragraph 1 or 2.
- 15 c. Participates in a home education program ~~in accordance with chapter 15.1-23,~~
16 subject to subsection 9 is eligible to receive an education savings account
17 payment of ~~five hundred~~one thousand dollars.
- 18 d. Attends a nonpublic school that is not a participating school is eligible to receive
19 an education savings account payment of five hundred dollars.
- 20 7. Education savings account payments may be approved for one school year and
21 applications must be submitted annually for payments in subsequent school years.
- 22 8. Funds deposited in an education savings account are not taxable income to the parent
23 or eligible student.
- 24 9. A parent who submits an application for an education savings account for an eligible
25 student, which is approved by the superintendent of public instruction, may not file a
26 statement of intent under section 15.1-23-02. If a statement of intent is on file at the
27 time the application is approved, the approval of the application constitutes revocation
28 of the statement of intent. This chapter and related rules do not apply to a home
29 education student who is not participating in the program under this chapter.
- 30 **15.1-27.1-05. Participating schools - Accountability standards - Autonomy.**
- 31 1. A participating school shall:

Sixty-ninth
Legislative Assembly

- 1 ~~a. Comply with all health and safety laws or codes that apply to nonpublic schools.~~
- 2 ~~b. Hold a valid occupancy permit if required by the city in which the school is~~
- 3 ~~located.~~
- 4 ~~c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.~~
- 5 ~~1981.~~
- 6 ~~d. Conduct criminal background checks on employees.~~
- 7 ~~e. Exclude from employment any individual who:~~
- 8 ~~(1) Is not permitted by state law to work in a nonpublic school; or~~
- 9 ~~(2) Might reasonably pose a threat to the safety of eligible students.~~
- 10 ~~f.b. Provide a parent with a receipt for all qualifying expenses at the school.~~
- 11 ~~g.c. Demonstrate the school's financial viability, if the school will receive fifty thousand~~
- 12 ~~dollars or more during the school year, by filing with the superintendent of public~~
- 13 ~~instruction before the start of the school year:~~
- 14 ~~(1) A surety bond payable to the state in an amount equal to the aggregate~~
- 15 ~~amount of funds from education savings accounts the participating school~~
- 16 ~~expects to receive; or~~
- 17 ~~(2) Financial information demonstrating the school is able to pay an aggregate~~
- 18 ~~amount equal to the amount of the funds from education savings accounts~~
- 19 ~~the participating school expects to receive.~~
- 20 ~~d. Administer state tests and assessments and comply with requirements in~~
- 21 ~~accordance with sections 15.1-21-08, 15.1-21-09, and 15.1-21-10.~~
- 22 ~~2.a. An eligible student using education savings account program funds for tuition~~
- 23 ~~payments at a participating school shall take required state tests and assessments in~~
- 24 ~~accordance with section 15.1-21-08. This subsection does not apply to an eligible~~
- 25 ~~student participating in a home education program subject to subsection 9 of section~~
- 26 ~~15.1-27.1-04 who is enrolled in courses at the center for distance education.~~
- 27 ~~b.3. The superintendent of public instruction shall:~~
- 28 ~~a. Shall compile and publish assessment results in accordance with sections~~
- 29 ~~15.1-21-09 and 15.1-21-10.~~
- 30 ~~c. The superintendent of public instruction shall~~

1 b. Shall administer an annual parental satisfaction survey requesting each parent of
2 an eligible student receiving an education savings account program payment to
3 indicate the number of years the child has participated in the education savings
4 account program and express the parent's:

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

8 c. May apply to a federal agency for supplemental funds for this program and may
9 create other education savings account programs in accordance with
10 requirements identified in a federal grant. The department of public instruction
11 may adopt rules to implement this subdivision. If there is a conflict between a
12 provision of this chapter and rules adopted to receive a federal grant under this
13 subdivision, the rules supersede this chapter.

14 3.4. A participating school or education service provider is autonomous and not an agent of
15 the state or federal government. The superintendent may not regulate the educational
16 program of a participating school or education service provider that accepts funds from
17 an education savings account. The creation of the education savings account program
18 does not expand the regulatory authority of the state, its officers, or a school district
19 beyond the regulations necessary to enforce the requirements of the education
20 savings account program.

21 **SECTION 3. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-20-02. Compulsory attendance - Exceptions.**

- 24 1. Section 15.1-20-01 does not apply if the person having responsibility for the child
25 demonstrates to the satisfaction of the school board that:
- 26 a. The child is in attendance for the same length of time at an approved nonpublic
27 school;
 - 28 b. The child has completed high school;
 - 29 c. The child is necessary to the support of the child's family;
 - 30 d. A multidisciplinary team including the child's school district superintendent, the
31 director of the child's special education unit, the child's classroom teacher, the

- 1 child's physician, and the child's parent has determined that the child has a
2 disability that renders attendance or participation in a regular or special education
3 program inexpedient or impracticable;.
- 4 e. The child is receiving home education; ~~or~~ under chapter 15.1-23.
- 5 f. The child is a military-connected student engaging in virtual instruction under
6 section 15.1-07-37 at the educational entity of the gaining or losing military
7 installation, a student with a medical condition unable to physically attend school,
8 or a student moving out of state and virtual instruction is allowed by the gaining
9 or losing educational entity.
- 10 g. The child is participating in a home education program and is participating in the
11 education savings account program under chapter 15.1-27.1.
- 12 2. The period of virtual instruction under subdivision f of subsection 1 may not extend
13 beyond the current school year.
- 14 3. A decision by the board of a school district under subsection 1 is appealable to the
15 district court.

16 **SECTION 4. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**
17 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in
18 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
19 much of the sum as may be necessary, to the superintendent of public instruction for the
20 purpose of administering the education savings account program, for the biennium beginning
21 July 1, 2025, and ending June 30, 2027.

22 **SECTION 5. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**
23 **EDUCATION SAVINGS ACCOUNT PROGRAM - LEGAL DEFENSE.** There is appropriated out
24 of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
25 \$3,000,000, or so much of the sum as may be necessary, to the superintendent of public
26 instruction for the purpose of defending any lawsuit related to the education savings account
27 program under chapter 15.1-27.1, in which the state is a defendant, for the biennium beginning
28 July 1, 2025, and ending June 30, 2027.

**REPORT OF STANDING COMMITTEE
REENGROSSED SB 2400**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** ([25.1334.04007](#)) and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Reengrossed SB 2400 was placed on the Sixth order on the calendar.

25.1334.04006
Title.

Sixty-ninth
Legislative Assembly
of North Dakota

*reconsider action
adopt 04006 w/ change P. 5 + 6*

Prepared by the Legislative Council
staff for Representative Morton
April 2, 2025

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2400

Introduced by

Senators Axtman, Hogue, Sickler, Myrdal

Representatives Bosch, M. Ruby

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 12.1-23 and chapter to-
2 title 15.115.1-27.1 of the North Dakota Century Code, relating to the creation of a criminal
3 offense for the misuse of education savings account funds and the establishment of the
4 education savings account program; to amend and reenact section 15.1-20-02 of the North
5 Dakota Century Code, relating to exceptions to compulsory school attendance; to provide a
6 penalty; to provide a continuing an appropriation; and to provide a continuing appropriation.

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

8 **SECTION 1.** A new section to chapter 12.1-23 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Misuse of education savings account funds - Penalty.**

11 1. A person is guilty of an offense under this section if the person:

- 12 a. Spends the funds in an education savings account for an expense the person
13 knows is not a qualified education expense; or
14 b. Intentionally fails to provide an eligible student with the educational services
15 funded by the education savings account.

16 2. An offense under this section is:

- 17 a. A class A felony if the value of the funds spent or the educational services not
18 provided exceeds fifty thousand dollars;

- 1 b. A class B felony if the value of the funds spent or the educational services not
- 2 provided exceeds ten thousand dollars but does not exceed fifty thousand
- 3 dollars;
- 4 c. A class C felony if the value of the funds spent or the educational services not
- 5 provided exceeds one thousand dollars but does not exceed ten thousand
- 6 dollars;
- 7 d. A class A misdemeanor if the value of the funds spent or the educational services
- 8 not provided exceeds five hundred dollars but does not exceed one thousand
- 9 dollars; or
- 10 e. A class B misdemeanor in all other cases.

11 ~~—SECTION 2. A new chapter to title 15.1 of the North Dakota Century Code is created and~~
12 ~~enacted as follows:~~

13 **SECTION 2.** Chapter 15.1-27.1 of the North Dakota Century Code is created and enacted
14 as follows:

15 **15.1-27.1-01. Definitions.**

16 As used in this chapter:

- 17 1. "Education service provider" means a person approved to provide qualified education
18 services. The term does not include a participating school or a parent supervising
19 home education in accordance with chapter 15.1-23.
- 20 2. "Eligible student" means an elementary or secondary student who is a resident of this
21 state and eligible to attend a public school, including a student who has received a
22 scholarship under the education savings account program, if the student has not
23 graduated from high school or reached twenty-one years of age.
- 24 3. "Parent" means parent or legal guardian.
- 25 4. "Participating school" means a nonpublic school providing education to elementary
26 students, secondary students, or both, which has notified the administrator of the
27 school's intention to participate in the education savings account program and comply
28 with the education savings account program requirements.
- 29 5. "Qualified educational expenses" means:
30 a. Tuition and fees at a nonpublic school;

- 1 b. Textbooks, fees, or payments for educational therapies, including tutoring or
- 2 cognitive skills training;
- 3 c. Curriculum fees, software, and materials for a course of study for a specific
- 4 subject matter or grade level;
- 5 d. Tuition or fees for nonpublic online education programs;
- 6 e. Tuition for vocational and life skills education approved by the superintendent of
- 7 education;
- 8 f. Education materials and services for students with disabilities from an accredited
- 9 provider, including the cost of paraprofessionals and assistants who are trained in
- 10 accordance with state law;
- 11 g. Standardized test fees and advanced placement examinations or examinations
- 12 related to postsecondary education admission or credentialing;
- 13 h. Tuition or fees for dual-credit courses;
- 14 i. Meals served to students in school buildings;
- 15 j. Mental health assistance;
- 16 k. Medical appointments necessary for educational benefit;
- 17 l. Educational camps; and
- 18 m. Qualified expenses as adopted by the superintendent of public instruction in
- 19 administrative rules.

20 **15.1-27.1-02. Education savings account fund - Establishment - Continuing**
21 **appropriation.**

22 There is created in the state treasury an education savings account fund. The fund consists
23 of moneys appropriated to the superintendent of public instruction for the education savings
24 account program. Moneys in the fund are appropriated on a continuing basis for education
25 savings accounts.

26 **15.1-27.1-03. Superintendent of public instruction - Administrator - Duties.**

- 27 1. The superintendent of public instruction is the education savings account program
- 28 administrator, and shall:
- 29 a. Annually inform eligible students and parents of the schools participating in the
- 30 education savings account program.

- 1 b. Create a standard application form a parent of an eligible student may submit to
2 establish the student's eligibility for the education savings account program. The
3 superintendent shall ensure the application is readily available to interested
4 families through various sources, including the department's website;.
- 5 c. Execute a multimedia marketing program targeting eligible families, particularly
6 families below the state's median household income, informing the families about
7 the education savings account program and how to apply;.
- 8 d. Establish a web and phone-based support system providing parents with
9 education savings account program application support and ongoing account
10 maintenance support;.
- 11 e. Reduce potential waste, fraud, and abuse, and ensure that any technology
12 platform used for the program meets the state's highest security requirements,.
13 including compliance; and.
- 14 f. Report evidence of the misuse of education savings account funds to law
15 enforcement.
- 16 g. Inform the parent of a student with a disability under the Individuals with
17 Disabilities Education Act of 1990 [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400
18 et seq.] if the parent spends the funds in the student's education savings account
19 on tuition or fees at a nonpublic school, the services received from the nonpublic
20 school constitute a parental placement and the protections under the Individuals
21 with Disabilities Education Act of 1990 no longer apply to the student.
- 22 h. Adopt rules to implement this chapter.
- 23 2. The superintendent of public instruction may:
- 24 a. Make and enter a contract with a third-party entity to administer and audit the
25 program, including allocating funds from each eligible student's account for the
26 payment of qualified educational expenses by the eligible student's parent;.
- 27 b. Conduct audits or other reviews necessary to properly administer the program;.
28 and.
- 29 c. Bar a participating school or education service provider from the education
30 savings account program, if the superintendent determines the participating
31 school or education provider has:

(1) Routinely failed to comply with the accountability standards established under this chapter; or

(2) Failed to provide the eligible student with the educational services funded by the education savings account.

15.1-27.1-04. Enrollment - Account deposits.

1. From January first to June thirtieth immediately preceding the school year for which the education savings account payment is requested, the parent of an eligible student may request an education savings account payment by submitting an application to the superintendent of public instruction.

2. Within thirty days of submission of an application, the superintendent of public instruction or third-party entity shall notify the parent whether the eligible student is approved for the following school year and specify the amount of the education savings account payment for the eligible student, if known at the time of the notice.

3. For an eligible student approved for an education savings account payment, the superintendent of public instruction or third-party entity shall establish an individual account for the eligible student in the education savings account fund and deposit the payment into the eligible student's individual account within thirty days following submission of the application, but in any case no later than July fifteenth. The funds must be available immediately for the payment of qualified educational expenses incurred by the parent for the eligible student during the fiscal year.

4. ~~A nonpublic participating school or other provider of qualified educational expenses~~ education service provider accepting payment from a parent using funds from an eligible student's individual account in the fund may not refund, rebate, or share any portion of the payment with the parent or eligible student.

5. Moneys remaining in an eligible student's individual account upon conclusion of the fiscal year must be returned to the education savings account fund.

6. Beginning with the school budget year beginning July 1, 2026, for each school year, an eligible student who:

a. ~~Attends~~ is enrolled full-time in and attends a public school is eligible to receive an education savings account payment of ~~five hundred~~ dollars.

one thousand

b. Is enrolled full-time in and attends a nonpublic-participating school, or who participates in a home education program subject to subsection 9 and is enrolled in courses at the center for distance education, is eligible to receive an education savings account payment of:

(1) Three thousand five hundred dollars, if the eligible student's household has an annual income less than or equal to three hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(2) Two thousand dollars, if the eligible student's household has an annual income greater than three hundred percent and less than or equal to five hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.

(3) ~~Five hundred dollars~~ ^{One thousand} dollars, if the eligible student does not qualify under paragraph 1 or 2.

c. Participates in a home education program in accordance with chapter 15.1-23, subject to subsection 9 is eligible to receive an education savings account payment of ~~five hundred dollars~~ ^{one thousand}.

d. Attends a nonpublic school that is not a participating school is eligible to receive an education savings account payment of five hundred dollars.

7. Education savings account payments may be approved for one school year and applications must be submitted annually for payments in subsequent school years.

8. Funds deposited in an education savings account are not taxable income to the parent or eligible student.

9. A parent who submits an application for an education savings account for an eligible student, which is approved by the superintendent of public instruction, may not file a statement of intent under section 15.1-23-02. If a statement of intent is on file at the time the application is approved, the approval of the application constitutes revocation of the statement of intent. This chapter and related rules do not apply to a home education student who is not participating in the program under this chapter.

15.1-27.1-05. Participating schools - Accountability standards - Autonomy.

1. A participating school shall:

- 1 ~~a. Comply with all health and safety laws or codes that apply to nonpublic schools.~~
- 2 ~~b. Hold a valid occupancy permit if required by the city in which the school is~~
- 3 ~~located.~~
- 4 ~~c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.~~
- 5 ~~1981.~~
- 6 ~~d. Conduct criminal background checks on employees.~~
- 7 ~~e. Exclude from employment any individual who:~~
- 8 ~~(1) Is not permitted by state law to work in a nonpublic school; or~~
- 9 ~~(2) Might reasonably pose a threat to the safety of eligible students.~~
- 10 ~~f.b. Provide a parent with a receipt for all qualifying expenses at the school.~~
- 11 ~~g.c. Demonstrate the school's financial viability, if the school will receive fifty thousand~~
- 12 ~~dollars or more during the school year, by filing with the superintendent of public~~
- 13 ~~instruction before the start of the school year:~~
- 14 ~~(1) A surety bond payable to the state in an amount equal to the aggregate~~
- 15 ~~amount of funds from education savings accounts the participating school~~
- 16 ~~expects to receive; or~~
- 17 ~~(2) Financial information demonstrating the school is able to pay an aggregate~~
- 18 ~~amount equal to the amount of the funds from education savings accounts~~
- 19 ~~the participating school expects to receive.~~
- 20 ~~d. Administer state tests and assessments and comply with requirements in~~
- 21 ~~accordance with sections 15.1-21-08, 15.1-21-09, and 15.1-21-10.~~
- 22 ~~2.a. An eligible student using education savings account program funds for tuition~~
- 23 ~~payments at a participating school shall take required state tests and assessments in~~
- 24 ~~accordance with section 15.1-21-08. This subsection does not apply to an eligible~~
- 25 ~~student participating in a home education program subject to subsection 9 of section~~
- 26 ~~15.1-27.1-04 who is enrolled in courses at the center for distance education.~~
- 27 ~~b.3. The superintendent of public instruction shall:~~
- 28 ~~a. Shall compile and publish assessment results in accordance with sections~~
- 29 ~~15.1-21-09 and 15.1-21-10.~~
- 30 ~~c. The superintendent of public instruction shall~~

- 1 b. Shall administer an annual parental satisfaction survey requesting each parent of
2 an eligible student receiving an education savings account program payment to
3 indicate the number of years the child has participated in the education savings
4 account program and express the parent's:
5 (1) Satisfaction with the education savings account program; and,
6 (2) Opinions on other topics, items, or issues that may indicate the
7 effectiveness of the education savings account program.
8 c. May apply to a federal agency for supplemental funds for this program and may
9 create other education savings account programs in accordance with
10 requirements identified in a federal grant. The department of public instruction
11 may adopt rules to implement this subdivision. If there is a conflict between a
12 provision of this chapter and rules adopted to receive a federal grant under this
13 subdivision, the rules supersede this chapter.
14 3-4. A participating school or education service provider is autonomous and not an agent of
15 the state or federal government. The superintendent may not regulate the educational
16 program of a participating school or education service provider that accepts funds from
17 an education savings account. The creation of the education savings account program
18 does not expand the regulatory authority of the state, its officers, or a school district
19 beyond the regulations necessary to enforce the requirements of the education
20 savings account program.

21 **SECTION 3. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-20-02. Compulsory attendance - Exceptions.**

- 24 1. Section 15.1-20-01 does not apply if the person having responsibility for the child
25 demonstrates to the satisfaction of the school board that:
26 a. The child is in attendance for the same length of time at an approved nonpublic
27 school; ₂
28 b. The child has completed high school; ₂
29 c. The child is necessary to the support of the child's family; ₂
30 d. A multidisciplinary team including the child's school district superintendent, the
31 director of the child's special education unit, the child's classroom teacher, the

- 1 child's physician, and the child's parent has determined that the child has a
2 disability that renders attendance or participation in a regular or special education
3 program inexpedient or impracticable; ~~or~~
4 e. The child is receiving home education; ~~or~~ under chapter 15.1-23.
5 f. The child is a military-connected student engaging in virtual instruction under
6 section 15.1-07-37 at the educational entity of the gaining or losing military
7 installation, a student with a medical condition unable to physically attend school,
8 or a student moving out of state and virtual instruction is allowed by the gaining
9 or losing educational entity.
10 g. The child is participating in a home education program and is participating in the
11 education savings account program under chapter 15.1-27.1.
12 2. The period of virtual instruction under subdivision f of subsection 1 may not extend
13 beyond the current school year.
14 3. A decision by the board of a school district under subsection 1 is appealable to the
15 district court.

16 **SECTION 4. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**
17 **EDUCATION SAVINGS ACCOUNT PROGRAM.** There is appropriated out of any moneys in
18 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so
19 much of the sum as may be necessary, to the superintendent of public instruction for the
20 purpose of administering the education savings account program, for the biennium beginning
21 July 1, 2025, and ending June 30, 2027.

22 **SECTION 5. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION -**
23 **EDUCATION SAVINGS ACCOUNT PROGRAM - LEGAL DEFENSE.** There is appropriated out
24 of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
25 \$3,000,000, or so much of the sum as may be necessary, to the superintendent of public
26 instruction for the purpose of defending any lawsuit related to the education savings account
27 program under chapter 15.1-27.1, in which the state is a defendant, for the biennium beginning
28 July 1, 2025, and ending June 30, 2027.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2400
4/21/2025

Relating to the establishment of the education savings account program; and to provide an appropriation.

2:59 p.m. Chairman Heinert called the meeting to order.

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

Discussion Topics:

- Reconsideration

3:00 p.m. Representative Heilman Moved to reconsider SB 2400 for further amending.

3:00 p.m. Representative Maki Second the motion.

Roll Call Vote

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

Motion Fails 7-7-0

3:02 p.m. Chairman Heinert closed the meeting for SB 2400.

Leah Kuball, Committee Clerk by Risa Berube