

**2025 SENATE EDUCATION**

**SCR 4019**

# 2025 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Room JW216, State Capitol

SCR 4019  
2/11/2025

A concurrent resolution directing the Legislative Management to consider studying reading and mathematics proficiency rates among students in the state with disabilities and the effectiveness of current educational policies, programs, and resource allocations in addressing any disparities.

11:02 a.m. Chairman Beard called the meeting to order.

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

## **Discussion Topics:**

- Engaged parents of children
- Fundamental right
- Educational standards

11:02 a.m. Senator Boschee, District 44, introduced the bill and submitted testimony #37080.

11:05 a.m. Teresa Olafson, parent Fargo ND, testified in favor and submitted testimony #37086.

11:10 a.m. Roxane Romanick, Lobbyist Designer Genes of ND, Inc., testified in favor and submitted testimony #36790.

## **Additional written testimony:**

Sara Gurath, Founder and CEO Breakthrough Educational Consulting, submitted testimony in favor #36640.

Brenda Ruehl, Director Program Services ND Protection & Advocacy Project, submitted testimony in favor #36773.

11:20 a.m. Chairman Beard closed the hearing

*Susan Helbling, Committee Clerk*

To whom it may concern,

After 29 years of experience leading and teaching in schools, with a particular focus on neurodivergent students and those impacted by school-related trauma, I've become deeply concerned about the academic progress of students with disabilities. It's crucial that we thoroughly investigate reading and math proficiency rates within this population and critically evaluate the effectiveness of our current educational systems in meeting their unique needs.

My direct observations at Innovation Academy (Moorhead, MN), a nonpublic school, have reinforced these concerns. We frequently receive students transferring from Fargo schools who exhibit significant discrepancies between their demonstrated learning potential and their current academic standing. These students often arrive with substantial learning gaps, despite possessing the innate capacity to learn and thrive. However, when provided with individualized attention, targeted instruction tailored to their specific learning profiles, and a supportive, trauma-informed environment, these same students begin to make remarkable progress. The key factor, I believe, is creating a sense of safety and belonging. As these students develop positive connections with their peers and the adults around them, they transition from a state of sympathetic activation – often triggered by past negative school experiences – to a state of calm engagement, where true learning can flourish.

Given these observations, I strongly urge a comprehensive study of the efficacy of current educational policies, programs, and resource allocations. This study should specifically examine how effectively these systems address the documented disparities in academic achievement experienced by students with disabilities. Understanding the root causes of these discrepancies is essential if we are to create truly equitable and supportive learning environments for all students.

Sincerely,

*Sara Gurath*

Sara Gurath  
Breakthrough Educational Consulting  
saragurath@gmail.com



# Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

[www.ndpanda.org](http://www.ndpanda.org)



## Education Committee

SCR 4019 - February 11, 2025

Testimony of Brenda Ruehl, P&A Director Program and Service

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

P&A supports a Do Pass of Senate Concurrent Resolution 4019.

A study to examine proficiency and disparities in mathematics and reading in students with disabilities, students who live in poverty, and Native American students is needed. These students begin their educational career with barriers due to their disabilities and economic disenfranchisements. Furthermore, Native American children are twice as likely to be impacted by poverty. These factors continue throughout their education and create disparities in their reading and math outcomes, which then increase barriers as they struggle to be successful in their adult lives.

We urge a Do Pass on this resolution.

Thank you for your time and consideration.

Brenda Ruehl  
Director Program Services  
[bruehl@nd.gov](mailto:bruehl@nd.gov)



**SCR 4019**  
**Senate Education**  
**Tuesday, February 11, 2025**  
**Senator Todd Beard, Chair**

Chairman Beard and Members of the Senate Education Committee:

My name is Roxane Romanick and I'm writing as a representative for Designer Genes of ND, Inc., Designer Genes represents roughly 270 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. I am also the parent to an adult daughter with Down syndrome, who I'm proud to say has a diploma from Century High School and an associate's degree from Dakota College of Bottineau.

Designer Genes is in support of SCR 4019. We project, that outside of North Dakota students with Down syndrome being homeschooled, all other children, youth, and young adults with Down syndrome are covered by the guarantees of the Individuals with Disabilities Education Act and are served under Individual Education Plans. The provisions of a free and appropriate education (FAPE) and learning in a least restrictive environment (LRE) with specially designed approaches to learning and targeted adaptations mean that our students have learning opportunities available to them that older individuals with Down syndrome went without. As an organization, we are concerned about the academic achievements of our children, youth, and young adults with Down syndrome in North Dakota because we know that high expectations, highly qualified professionals, and quality instructional strategies are critical to learning.

My daughter's path to reading and math competencies stalled through middle school. I had often been told that there would come a time when her skills may just plateau because of her diagnosis. I refused to believe it, because I had seen her grow steadily, even if a bit differently. It took a new curricular approach, new professionals, and practical experience in high school to kickstart her reading, writing, and functional math use. I'm not sure she would have succeeded in her college program if this had not happened.

While we are not asking for any amendments at this time, we would like to point out two important considerations:

- 1) Under the Elementary and Secondary Education Act (ESSA), schools/states are allowed a 1% cap on the students who are allowed to take a statewide alternate assessment. Typically, these are the students who have the most support needs to make learning gains. Often students who have a diagnosis of Down syndrome are in this group and we want to assure that the study covers our most vulnerable learners.
- 2) In the consideration of best practices, we want to make sure that the study considers learning in the least restrictive environment as called for in IDEA. Learning within the general education curriculum means that our students with Down syndrome don't miss out on learning what everyone else learns. Our students do require significant adaptations to access information so that they can use it in everyday life, but they want to learn about things like pyramids, government, frog anatomy, etc. Also, our students become more independent, make friends, and learn about navigating the world when they are learning beside their peers.

As called for in the study language, Designer Genes would be willing to serve as a stakeholder for this important work, if and when the study is chosen.

Thank you for your time and I would answer any questions.

Roxane Romanick  
Executive Director  
Designer Genes of ND, Inc.  
701-391-7421  
[info@designergenesnd.com](mailto:info@designergenesnd.com)



# North Dakota Senate

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Senator Josh Boschee

District 44  
736 Elm Street North, Apt. 8  
Fargo, ND 58102-3859  
[jboschee@ndlegis.gov](mailto:jboschee@ndlegis.gov)

## COMMITTEES:

Education  
Workforce Development

### SCR 4019 Testimony Senate Education Committee February 11, 2025

Chair Baird and Fellow Members of the Senate Education Committee,

SCR 4019 was introduced to provide the legislature with an opportunity to gain a better understanding of what's working and not working when it comes to reading and mathematics proficiency rates among students with disabilities in our state. This would be done in partnership with the Department of Public Instruction, educators, parents, students and stakeholders who would like to see proficiency rates increase for students with disabilities.

50 years ago, the Education for All Handicapped Children Act was enacted by Congress. With its reauthorization in 1990, it became known as the Individuals with Disabilities Education Act (IDEA) and has been the foundation of Federal financial support for students with disabilities. With the President's recent Executive Order expanding educational freedom for families, we may see significant changes in how IDEA funding is disseminated. This is why I believe the study is important for Legislative Management to consider, but also very timely.

It has been my experience that parents of students with disabilities tend to be highly engaged in their students' education. So, a study like this would allow them to share their experiences of success stories and challenges for us to learn about best practices and potentially provide policy and funding recommendations to the next legislative assembly. Furthermore, I am aware of at least one cohort of special education teachers who meet virtually on a regular basis to share resources and develop strategies to improve outcomes for their students. Teachers like this who are engaging each other, on their own time, to improve the delivery of education for their students with disabilities are exactly the stakeholders we should hear from.

I also know that for every engaged parent, there is likely a handful of less engaged parents who aren't as involved in their child's education. This is often due to work scheduling, lack of advocacy and negotiating skills or unfamiliarity with the rights and responsibilities they have as a parent in our education system. I am confident that a study like what is proposed in 4019 would provide us insight into how to better engage and empower those parents to be stronger partners with their child's educator to improve educational outcomes.

I hope you'll provide SCR 4019 your support and I'm happy to stand for any questions or comments you may have.

Menu



Search

FACT SHEETS

# FACT SHEET: PRESIDENT DONALD J. TRUMP EXPANDS EDUCATIONAL OPPORTUNITIES FOR AMERICAN FAMILIES

January 30, 2025

**DEFENDING PARENTAL RIGHTS AND EDUCATIONAL OPPORTUNITY:** Today, President Donald J. Trump signed an Executive Order expanding educational freedom and opportunity for families. It recognizes that parents, not the government, play a fundamental role in choosing and directing the upbringing and education of their children.

- It directs the Department of Education to issue guidance on how the States can use federal funding formulas to support their K-12 scholarship programs.
- It directs the Secretary of Education to prioritize school choice programs in the Department's discretionary grant programs.
- The Order requires the Department of Health and Human Services to issue guidance on how states receiving block grants for children and families can use those funds to support educational alternatives, including private and faith-based options.
- It directs the Secretary of Defense to submit a plan to the President for how military families can use Department of Defense funds to send their children to the school of their choice.
- The Order also directs the Secretary of the Interior to submit a plan to the President for how families with students attending Bureau of Indian Education schools can use federal funds to send their children to the school of their choice.

**EMPOWERING PARENTS AND STUDENTS THROUGH SCHOOL CHOICE:**

Every child deserves the best education available, regardless of their zip code. However, for generations, our government-assigned education system has failed millions of parents, students, and teachers. This Executive Order begins to rectify that wrong by opening up opportunities for students to attend the school that best fits their needs.

- According to the latest National Assessment of Educational Progress (NAEP), 70% of 8th graders were below proficient in reading and 72% were

below proficient in math. 40% of 4th graders did not even meet the basic reading levels.

- Standardized test scores have essentially been flat for over 30 years, despite hundreds of billions of dollars spent on government-run education.
- A dozen states have universal or near universal school choice programs and 33 states have some form of school choice program.
- School choice programs have a strong record of improving students' academic performance.
- School choice has proven to be cost effective and saves taxpayer dollars.
- Parents report higher levels of school safety for their children who participate in school choice programs.
- Support for school choice is overwhelming, with 70% of Democrats, 73% of Black Americans, and 69% of Hispanic Americans in favor of it.
- President Trump is dedicated to ensuring every child has the opportunity to receive a world-class education.

### **FULFILLING THE PROMISE TO STRENGTHEN EDUCATION THROUGH**

**FREEDOM AND OPPORTUNITY:** President Trump promised to bring school choice to every family in the Nation. Today's historic executive order is a critical step in delivering on that promise, and builds on the long list of accomplishments from the first Trump Administration, including:

- Calling on Congress to pass the School Choice Now Act and the Education Freedom Scholarships and Opportunity Act.
- Providing in-person learning options for low-income parents forced to send their children to virtual school during the pandemic.
- Re-authorizing the D.C. Opportunity Scholarship program twice.

- Investing nearly \$1.5 billion in the development of public charter schools, helping this innovative sector grow to 7,500 charter schools serving more than 3 million students.
- Allowing parents across the nation to withdraw up to \$10,000 tax-free per year from 529 education savings plans to cover public, private, or religious K-12 schooling costs, thanks to the President's historic tax cuts.

Parents can be confident that under his Administration, President Trump will provide every available opportunity for parents to enrich the education of their children through individual choice.

News

Administration

Issues

Contact

THE WHITE HOUSE

1600 Pennsylvania Ave NW  
Washington, DC 20500

February 11, 2025

**Chairperson and Members of the Committee,**

Thank you for the opportunity to speak in support of a legislative study on special education in North Dakota. My name is Teresa Olafson, and I live in Fargo. I speak today as both a parent and an informed citizen, deeply impacted by this issue. I often refer to myself as a "human becoming"—a lifelong learner who believes in the power of knowledge. Just ask my children; they'll confirm it.

North Dakota values self-reliance and recognizes education as a fundamental right. Yet, we must ensure our commitment to providing a uniform, equitable, and adequate education extends to all students, including those requiring special services. That is why I am here—to urge a study that examines whether we are upholding our constitutional mandate.

Parents rarely have a seat at the table in these discussions, yet so many of us share the same struggles. My child had a speech impairment at age three and early signs of dyslexia. Despite being an involved parent and my child receiving an IEP since age three, they left third grade with a reading proficiency of less than 0.1% and a math proficiency of only 2%. No amount of advocacy, evaluations, or interventions changed that outcome. These numbers represent more than statistics—they reflect a painful, unnecessary struggle that no family should endure.

North Dakota once had a strong history of high educational standards, yet student outcomes have declined dramatically. In 2012, students with disabilities had reading and math proficiency rates above 50%. By 2022, those rates plummeted to just 12.3% and 9.05%, respectively. Despite increased spending on special education, resources are not translating into improved outcomes. A study is essential to understanding why.

I discovered firsthand how educational funding can be diverted away from actual instruction. My child was placed in a costly program that prioritized revenue capture over education—offering only minimal speech services and no academic instruction at a staggering \$76,000 per year. No parent or taxpayer would consider that a fair or equitable education.

North Dakota must shift resources toward early interventions that yield better outcomes. Our greatest educational asset is not money but people—teachers and support staff. Leadership and institutional culture significantly impact student success. Without a comprehensive study, we cannot identify systemic failures or implement targeted reforms.

This is not about asking for more funding; it is about ensuring North Dakota meets its constitutional duty to educate all children adequately and equality . A legislative study will allow us to address deficiencies, realign resources, and restore North Dakota's educational excellence.

I urge the committee to support this study to uphold our commitment to every child in North Dakota.

Thank you for your time and consideration.

Teresa Olafson

Fargo, ND

# 2025 SENATE STANDING COMMITTEE MINUTES

## Education Committee Room JW216, State Capitol

SCR 4019  
2/11/2025

A concurrent resolution directing the Legislative Management to consider studying reading and mathematics proficiency rates among students in the state with disabilities and the effectiveness of current educational policies, programs, and resource allocations in addressing any disparities.

3:55 p.m. Chairman Beard called the hearing to order.

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

Member Absent: Senator Axtman

### Discussion Topics:

- Language corrections
- Committee Action

3:55 p.m. Senator Boschee discussed proposed amendment.

3:57 p.m. Senator Boschee moved to adopt amendment LC #25.3089.01001.

3:57 p.m. Senator Wobbema seconded the motion.

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

Motion Passed 5-0-1

3:58 p.m. Senator Boschee moved a Do Pass as amended.

3:58 p.m. Senator Wobbema seconded the motion.

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

Senate Education Committee  
SCR 4019  
2/11/2025  
Page 2

Motion Passed 5-0-1.

Senator Boschee will carry the bill.

4:00 p.m. Chairman Beard closed the meeting.

*Susan Helbling, Committee Clerk*

February 11, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

2-11-25  
AG 1 of 2

**SENATE CONCURRENT RESOLUTION NO. 4019**

Introduced by

Senators Boschee, Axtman

Representatives Richter, Schreiber-Beck

1 A concurrent resolution directing the Legislative Management to consider studying reading and  
2 mathematics proficiency rates among students in the state with disabilities and the effectiveness  
3 of current educational policies, programs, and resource allocations in addressing any  
4 disparities.

5 **WHEREAS**, North Dakota recognizes the importance of providing equitable and sufficient  
6 funding to meet the needs of students requiring special education services; and

7 **WHEREAS**, over the past ~~40~~50 years, the Education for All Handicapped Children Act [Pub.  
8 L. 94-142; 89 Stat. 773], later reauthorized as the Individuals with Disabilities Education Act of  
9 1990 [20 U.S.C. 1400 et seq.] has ensured children with disabilities have the right to a free,  
10 appropriate public education and has significantly expanded access to education for millions of  
11 students, reduced discriminatory practices, and established critical frameworks for  
12 individualized learning plans and inclusion in general education settings; and

13 **WHEREAS**, approximately 16 percent of the student population in the state has been  
14 identified as having disabilities and receiving special education services; and

15 **WHEREAS**, the North Dakota Kindergarten through Grade Twelve Education Coordination  
16 Council has established the goal to reduce the disparity in achievement for students with  
17 disabilities, students in poverty, and Native American students; and

18 **WHEREAS**, transparency and accessibility for parents to review and understand their  
19 child's special education services and contracts are essential for fostering trust and ensuring  
20 quality education;

21 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**  
22 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

*July 2022*

1 That the Legislative Management consider studying reading and mathematics proficiency  
2 rates among students in the state with disabilities and the effectiveness of current educational  
3 policies, programs, and resource allocations in addressing any disparities; and

4 **BE IT FURTHER RESOLVED**, the study include an examination of academic disparities,  
5 analyzing the latest student performance data on statewide reading and mathematics  
6 assessments to identify trends and disparities affecting students with disabilities and comparing  
7 the subgroup performance to overall state proficiency rates; and

8 **BE IT FURTHER RESOLVED**, the study include an identification of contributing factors,  
9 evaluating systemic barriers contributing to low proficiency rates, including ~~insufficient~~ funding  
10 for special education services, limited access to trained teachers and support staff, geographic  
11 disparities between rural and urban areas, and accessibility of evidence-based curriculum and  
12 instructional strategies; and

13 **BE IT FURTHER RESOLVED**, the study include an assessment of existing policies and  
14 programs, reviewing the implementation and impact of current state and federally funded  
15 programs and identifying gaps in policy, funding, and program effectiveness; and

16 **BE IT FURTHER RESOLVED**, the study include the engagement of stakeholders, soliciting  
17 input from parents and families of students with disabilities to ensure parent involvement in  
18 decisionmaking, educators, school administrators, special education professionals, and  
19 advocacy groups focused on disability rights; and

20 **BE IT FURTHER RESOLVED**, the study include research of best practices, examining  
21 successful models and initiatives in states that have effectively reduced proficiency disparities  
22 and exploring innovative approaches in early literacy, numeracy, and equitable education  
23 practices; and

24 **BE IT FURTHER RESOLVED**, the study include consideration of actionable policy and  
25 funding recommendations aimed at reducing proficiency disparities, expanding access to high-  
26 quality, evidence-based educational programs, enhancing transparency in costs and resource  
27 allocation, and improving accountability and data transparency; and

28 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and  
29 recommendations, together with any legislation required to implement the recommendations, to  
30 the Seventieth Legislative Assembly.

**REPORT OF STANDING COMMITTEE  
SCR 4019**

**Education Committee (Sen. Beard, Chairman)** recommends **AMENDMENTS** ([25.3089.01001](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4019 was placed on the Sixth order on the calendar. This resolution does not affect workforce development.

**2025 HOUSE EDUCATION**

**SCR 4019**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SCR 4019  
3/17/2025

A concurrent resolution directing the Legislative Management to consider studying reading and mathematics proficiency rates among students in the state with disabilities and the effectiveness of current educational policies, programs, and resource allocations in addressing any disparities.

11:01 a.m. Chairman Heinert called the hearing to order.

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

### **Discussion Topics:**

- Special Education programs
- Educational Access
- American Disability Act

11:01 a.m. Senator Boschee introduced the bill and submitted testimony. #42083

11:04 a.m. Roxane Romanick, Representative, Designer Genes of ND Inc., testified in favor and submitted testimony. #42138

11:09 a.m. Teresa Olafson, ND Resident, testified in favor and submitted testimony. #41881

### **Additional written testimony:**

Brenda Ruehl, Director Program Services, Protection and Advocacy, submitted testimony in favor. #42145

11:22 a.m. Chairman Heinert closed the hearing.

*Leah Kuball, Committee Clerk*

**March 17, 2025**

**RE: SCR 4019**

**Chairperson Heinert, Vice Chairperson Schrieber-Beck, and Distinguished Members of the Committee:**

My name is Teresa Olafson, and I live in Fargo. I deeply appreciate the opportunity to testify before you today on an issue of great significance—addressing disparities in academic outcomes for students in special education and ensuring equitable and adequate education for all students, regardless of disability status.

**Historical Context and the Commitment to Education in North Dakota**

In 1972, an obscure lawsuit was filed in North Dakota that established groundbreaking educational equity in our state and nation. The case, *In Interest of G.H.*, issued a ruling by North Dakota Supreme Court affirming both due process and equal protection rights for children with disabilities in 1974. You might wonder why I reference this case, but it has significant importance because it predates the passing of the Federal Public law, now known as IDEA. North Dakota has always valued and delivered high quality education for all children- with all abilities.

North Dakota has a long and dedicated history of upholding its constitutional mandate to educate all children, *Anderson v. Breithbarth* even before achieving statehood. This commitment was reaffirmed in (1931), which established the right of children to attend free public school based on residency status. However, despite this legal foundation, disparities persist—particularly for students served through special education.

A paradox now exists: North Dakota has historically championed educational access, yet students with disabilities continue to face systemic barriers. This underscores the need for a comprehensive legislative study to evaluate the state's adherence to its own Supreme Court rulings and constitutional obligations. Today, most individuals are focusing on a federal public law, known as the Individuals with Disabilities Education Act. While this is an important fiscal funding scheme, we have been assured that federal dollars will remain

intact but with greater state control. This is the call for stewardship of our local, state, and federal dollars ensuring North Dakota is upholding its constitutional mandate of providing an equitable and adequate education for all children.

### **The Need for a Legislative Study**

A study is necessary to assess:

1. **Disparities in Academic Outcomes** – Achievement gaps in literacy, mathematics, graduation rates, and college/career readiness among students with disabilities.
2. **Resource Allocation and Funding** – Ensuring schools receive equitable funding to support specialized instruction, assistive technology, and necessary accommodations.
3. **Transparency and Accountability** – Investigating whether parents and legislators have full access to budget spending and student placement decisions.
4. **Impact of Non-Educational Placements** – Evaluating the effects of alternative placements that remove students from academic instruction while continuing to generate school district revenue.
5. **Effectiveness of Legislative Funding Initiatives** – Analyzing outcomes of state-funded initiatives such as the North Dakota Lighthouse initiative for data collection.

### **North Dakota's Declining Student Outcomes Despite Increased Funding**

Despite significant investments in education, outcomes for marginalized student populations have worsened:

- **In 2002, North Dakota's average K-12 test score was 224 compared to the national average of 217.**
- **By 2022, North Dakota's average fell to 218, barely above the national average of 216.**
- **Fourth grade reading proficiency: 70% of students are not proficient.**

- **Math proficiency for students with IEPs dropped from 56.4% in 2010 to just 9.05% in 2022.**
- **Reading proficiency for students with IEPs fell from 58.1% in 2010 to 12.3% in 2022.**

Additionally, the North Dakota K-12 Educational Coordination Council reported:

- **Literacy disparity rates for students with disabilities at 86%, Native American students at 81.7%, and students in poverty at 76.8%.**
- **Math disparity rates for students with disabilities remain alarmingly high.**

While North Dakota has invested in costly behavioral programs, it has failed to prioritize academic instruction—resulting in declining literacy rates and widening achievement gaps.

### **The Impact of Non-Educational Placements on Special Education Funding**

The current funding model for special education includes substantial allocations for non-educational placements, yet transparency regarding the effectiveness and impact of these funds remains limited. In the 2019-21 biennium:

- **Agency Placement: \$24.975 million; the state reimbursed \$19.9 million, with \$7 million allocated to public schools.**
- **School Placement: \$32.78 million; the state reimbursed \$6.7 million, with \$5.46 million directly benefiting public schools.**

While these figures represent a significant financial investment, we must critically examine whether these funds are being used to enhance educational access and improve outcomes for students with disabilities. Given the continued decline in academic performance, it is imperative to assess how funding decisions align with student success and whether additional oversight and accountability measures are needed.

### **Our Journey and the Need for Reform**

In July 2022, the North Dakota Department of Public Instruction (DPI) issued a written response to my question about Student Contracts under N.D.C.C. 15.1-29-14, stating that Individual Education Program (IEPs) do not dictate what services are to be provided ensuring free, appropriate public education. Remember, North Dakota has established that public education must be “inclusive and comprehensive” per the ruling in *Anderson v. Breithbarth* in 1931.

Through a Freedom of Information Act (FOIA) request, I discovered that my child’s school received \$75,000 annually for services that were not being delivered in a placement I never knew existed. Through an Individual Education Program (IEP), he was restricted in his access to school, deprived of academic instruction, and provided no certified teacher or assistive technology. Unknown to me, he was served in a Non-Educational Placement that allocated additional funds to the district while denying him his right to an education. Knowing these decisions occurred without my involvement or my consent, was confusing. It remains confusing to this day as no one can explain how School placement for non-educational service occurs for students with disabilities, how it is determined, and what are the services that are delivered and where is the education for the child. Most importantly, to what extent did this placement allow my third-grade child to have a reading proficiency of 0.1% and a math of 2% while my LEA created a revenue of \$76,000 for a 3 hour a day program for 9 months? To arrive at any understanding, we need to study how we got here.

This journey, which began in 2015, has been life changing. I have met with officials at local, state, and federal levels—only to encounter repeated refusals for collaboration for any improvement or change. This testimony today is not just about my child; it is about every child in North Dakota whose educational rights have been systematically overlooked.

### **Key Questions That Must Be Addressed**

To ensure accountability and transparency, we must ask:

- Does North Dakota have a data accountability system that is easily understood by all stakeholders?

- Are parents informed about School Placements for students with disabilities that grant significant state funds but may deprive students of equal educational opportunities?
- Does the state's accountability system ensure students are learning in high-quality educational environments?
- What measures are in place to ensure student success across all demographics?
- Is there transparency regarding budget spending and resource allocation for students with disabilities?

### **Conclusion: A Call for Action for Us All**

North Dakota's history demonstrates a longstanding commitment to education, but the current reality does not reflect this legacy.

Before federal laws like the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and the Americans with Disabilities Act, North Dakota led the way in guaranteeing educational rights. We must now reaffirm that commitment by ensuring that literacy, the foundation of all learning—is prioritized and protected. This is why our constitution has tasked legislature to ensure all steps have been taken to address illiteracy; initiative-taking measures rather than reactive and repairing work.

It is imperative that this legislative body authorize a comprehensive, independent study to determine the most effective path forward in returning North Dakota to its historic role as a leader in public education. The data is clear: while funding has increased, student outcomes have deteriorated—particularly for those in special education. Without conducting a study, there can be no purposeful determination on how best to allocate our state tuition or how to determine best whether those state or federal dollars are spent upholding a constitutional mandate of equitable and adequate education for all students.

Accountability, transparency, and equity must be restored to our educational system. An audit should be welcomed, not resisted, to ensure that no student goes uneducated to our North Dakota standards.

I urge this committee to take immediate action in authorizing this study. Thank you for your time and attention, and I welcome any questions you may have.

Teresa Olafson

Fargo, ND



# North Dakota Senate

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Senator Josh Boschee

District 44  
736 Elm Street North, Apt. 8  
Fargo, ND 58102-3859  
[jboschee@ndlegis.gov](mailto:jboschee@ndlegis.gov)

## COMMITTEES:

Education  
Workforce Development

### SCR 4019 Testimony House Education Committee March 16, 2025

Chair Heinert and members of the House Education Committee,

SCR 4019 was introduced to provide the legislature with an opportunity to gain a better understanding of what's working and not working when it comes to reading and mathematics proficiency rates among students with disabilities in our state. This would be done in partnership with the Department of Public Instruction, educators, parents, students and stakeholders who would like to see proficiency rates increase for students with disabilities.

50 years ago, the Education for All Handicapped Children Act was enacted by Congress. With its reauthorization in 1990, it became known as the Individuals with Disabilities Education Act (IDEA) and has been the foundation of Federal financial support for students with disabilities. With the President's recent Executive Order expanding educational freedom for families, we may see significant changes in how IDEA funding is disseminated. This is why I believe the study is important for Legislative Management to consider, but also very timely.

It has been my experience that parents of students with disabilities tend to be highly engaged in their students' education. So, a study like this would allow them to share their experiences of success stories and challenges for us to learn about best practices and potentially provide policy and funding recommendations to the next legislative assembly. Furthermore, I am aware of at least one cohort of special education teachers who meet virtually on a regular basis to share resources and develop strategies to improve outcomes for their students. Teachers like this who are engaging each other, on their own time, to improve the delivery of education for their students with disabilities are exactly the stakeholders we should hear from.

I also know that for every engaged parent, there is likely a handful of less engaged parents who aren't as involved in their child's education. This is often due to work scheduling, lack of advocacy and negotiating skills or unfamiliarity with the rights and responsibilities they have as a parent in our education system. I am confident that a study like what is proposed in 4019 would provide us insight into how to better engage and empower those parents to be stronger partners with their child's educator to improve educational outcomes.

I hope you'll provide SCR 4019 your support and I'm happy to stand for any questions or comments you may have.



SCR 4019  
House Education  
Monday, March 17, 2025  
Representative Pat Heinert, Chair

Chairman Heinert and Members of the House Education Committee:

My name is Roxane Romanick and I am representing 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. I am also the parent to an adult daughter with Down syndrome, who I'm proud to say has a diploma from Century High School and an associate's degree from Dakota College of Bottineau.

Designer Genes is in support of SCR 4019. We project, that outside of North Dakota students with Down syndrome being homeschooled, all other children, youth, and young adults with Down syndrome are covered by the guarantees of the Individuals with Disabilities Education Act and are served under Individual Education Plans. The provisions of a free and appropriate education (FAPE) and learning in a least restrictive environment (LRE) with specially designed approaches to learning and targeted adaptations mean that our students have learning opportunities available to them that older individuals with Down syndrome went without. As an organization, we are concerned about the academic achievements of our children, youth, and young adults with Down syndrome in North Dakota because we know that high expectations, highly qualified professionals, and quality instructional strategies are critical to learning.

My daughter's path to reading and math competencies stalled through middle school. I had often been told that there would come a time when her skills may just plateau because of her diagnosis. I refused to believe it, because I had seen her grow steadily, even if a bit differently. It took a new curricular approach, professionals who believed in her ability to learn, and practical experience in high school to kickstart her

reading, writing, and functional math use. I'm not sure she would have succeeded in her college program if this had not happened.

While we are not asking for any amendments at this time, we would like to point out two important considerations: 1) Under the Elementary and Secondary Education Act (ESSA), schools/states are allowed a 1% cap on the students who are allowed to take a statewide alternate assessment. Typically, these are the students who have the most support needs to make learning gains. Often students who have a diagnosis of Down syndrome are in this group and we want to assure that the study covers our most vulnerable learners. 2) In the consideration of best practices, we want to make sure that the study considers learning in the least restrictive environment as called for in IDEA. Learning within the general education curriculum means that our students with Down syndrome don't miss out on learning what everyone else learns. Our students do require significant adaptations to access information so that they can use it in everyday life, but they want to learn about things like pyramids, government, frog anatomy, etc. Also, our students become more independent, make friends, and learn about navigating the world when they are learning beside their peers.

As called for in the study language, Designer Genes would be willing to serve as a stakeholder for this important work, if and when the study is chosen. Thank you for your time and I would answer any questions.

Roxane Romanick

Designer Genes of ND, Inc.

701-391-7421

info@designergenesnd.com



# Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

[www.ndpanda.org](http://www.ndpanda.org)



Education Committee

HCR 4019 - March 17, 2025

Testimony of Brenda Ruehl, P&A Director Program and Service

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

P&A supports a Do Pass of the concurrent resolution.

A study to examine proficiency and disparities in mathematics and reading in students with disabilities, students who live in poverty and Native American students is needed. These students begin their educational career with barriers due to their disabilities, economic disenfranchisements, and Native American children have twice the level for poverty. These factors continue throughout their education and create disparities in their reading and math outcomes which then increase the barriers as they struggle to be successful in their adult lives.

We urge a Do Pass on this resolution.

Thank you for your time and consideration.

Brenda Ruehl  
Director Program Services  
[bruehl@nd.gov](mailto:bruehl@nd.gov)

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Education Committee Coteau AB Room, State Capitol

SCR 4019  
3/17/2025

A concurrent resolution directing the Legislative Management to consider studying reading and mathematics proficiency rates among students in the state with disabilities and the effectiveness of current educational policies, programs, and resource allocations in addressing any disparities.

3:44 p.m. Chairman Heinert called the hearing to order.

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

### Discussion Topics:

- Committee action

3:46 p.m. Representative Hager moved a Do Pass.

3:46 p.m. Representative Novak 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

Motion carried: 14-0-0

3:49 p.m. Representative Marschall moved to place SCR on the Consent Calander.

3:49 p.m. Representative Heilman seconded the motion.

<b>Representatives</b>	<b>Vote</b>
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

Motion carried: 14-0-0

Bill carrier: Representative Novak

3:49 p.m. Chairman Heinert closed the hearing.

*Leah Kuball, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED SCR 4019 ([25.3089.02000](#))**

**Education Committee (Rep. Heinert, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SCR 4019 was placed on the Tenth order on the calendar.